

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

CrI.O.P.No.26703 of 2015

and M.P.No.1 of 2015

1.Vivekanandan
2.Thiagarajan
3.Anbu @ Anbalagan
4.M.K.Bhatia Savani
5.Nayant Savani
6.Hansat Savani Petitioners

Vs

1. State represented by
The Inspector of Police,
District Crime Branch (DCB),
Thiruvallur.
2. M/s.Greaves Cotton Limited,
rep. by its
General Manager-Procurement Logistics
Vinay Kumar Acharya. ... Respondents

Criminal Original Petition filed under Section 482
Cr.P.C. to call for the records in F.I.R. in Crime No.17 of
2015 on the file of the first respondent police and quash the
same.

For Petitioners : Mrs.Nalini Chidambaram, SC
Mr.N.R.R.Arun Natarajan

For respondents: Mr.C.Emalias,
Addl. Public Prosecutor,
for R.1

ORDER

The present criminal original petition has been filed
to call for the records in Crime No.17 of 2015 on the file of
the first respondent police and quash the same.

2. The petitioners are accused in the complaint lodged by the second respondent / de facto complainant for the alleged offence punishable under Sections 406 and 420 I.P.C.

3. The case of the de facto complainant is that in the month of March, 2015, it was entrusted with four consignments by one Savani Transport Private Limited for transportation from their Gummidipoondi factory to Bhuvaneshwar, Orissa. While so, the petitioners who are the employees of the said company, conspired and colluded with each other and dishonestly misappropriated the said four consignments worth about Rs.25,73,720/-. Further, during the period from March 2011 till April 2015, they prepared multiple lorry receipts for delivering the consignments to show that the consignments were delivered by using more than one vehicle, whereas, only one vehicle was used by the said company to pick up the goods from the factory of the second respondent and thereby, the petitioners have conspired and colluded with each other and fraudulently misappropriated money and cheated the company to the tune of Rs.3,11,95.537/-. Now, the petitioners have come forward with the present petition to quash the said proceedings.

4. Learned senior counsel appearing for the petitioners submitted that the present complaint has been filed with false allegations and the matter is purely civil in nature.

5. However, I am of the considered opinion, the scope of Section 482 Cr.P.C. to quash the first information report is very limited, since the investigation is not yet completed. Hence, I am of the opinion, the present OP is a pre-mature one. Therefore, at this juncture, I am not inclined to quash the first information report. However, the petitioners are at liberty to approach this Court after filing final report by the respondent police.

6. In the result, the criminal original petition is dismissed. However, the petitioners are at liberty to work out their remedy after filing of the final report. The first respondent is directed to complete the investigation and file a final report as expeditiously as possible. Consequently, connected miscellaneous petition is closed.

sbi

s/d-

Assistant Registrar(CS-VI)

True Copy

Sub-Assistant Registrar

To

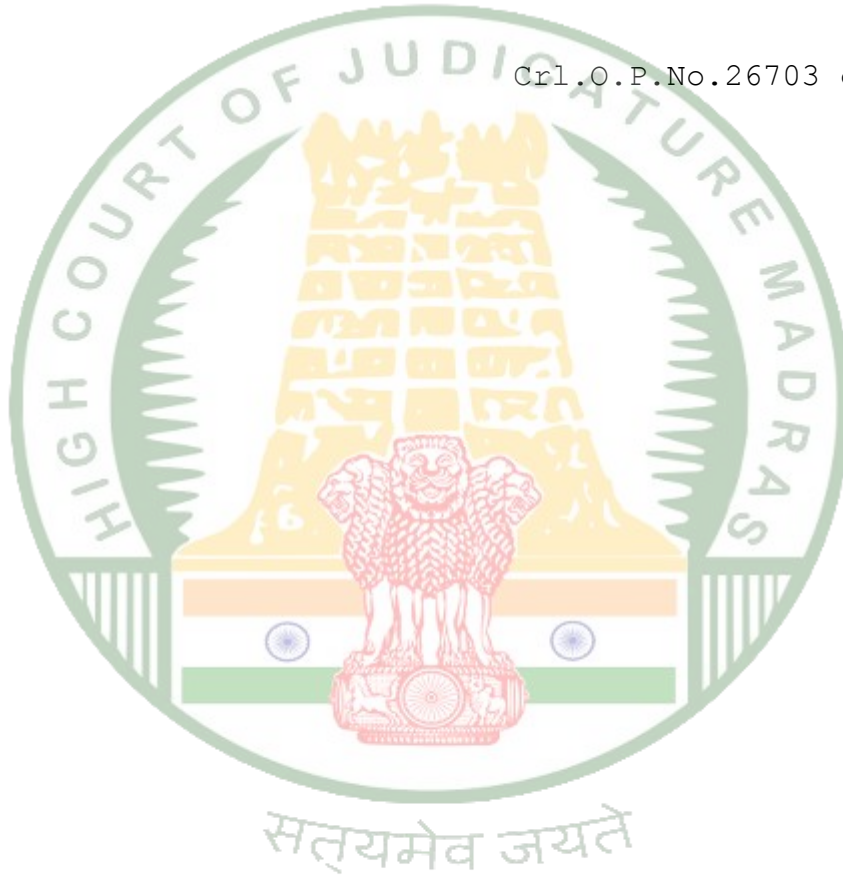
1. The Inspector of Police,
District Crime Branch (DCB),
Thiruvallur.

2. The Public Prosecutor,
High Court, Madras.

+ 1cc to Mr.N.R.R.Arun Natarajan, Advocate SR 61919

skv(co)
prk30/11

Cr1.O.P.No.26703 of 2015



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