

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Crl.O.P.No.30178 of 2015

Mr. R. Deepak

... Petitioner /Accused

Vs

1. N.Ramdass

2. State by

the Inspector of Police,
Perianaicken Palayam Police Station,
Coimbatore District,
Crime No.386 of 2015

... Respondents/Complainant

Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records in Crime No.386 of 2015 dated 10.10.2015 pending investigation on the file of the 2nd respondent police and quash the same against the petitioner.

For Petitioner : Mr.A.Selventhiran

For respondents : Mr.C.Emalias,
Addl. Public Prosecutor.

O R D E R

The present criminal original petition has been filed to call for the records in Crime No.386 of 2015 dated 10.10.2015 pending investigation on the file of the 2nd respondent police and quash the same against the petitioner.

2. According to the petitioner, the complaint was lodged by one N.Ramdass, Chief Manager of State Bank of India, the first respondent herein, alleging that the accused company viz., Techno Max Building Solutions Pvt Ltd., has availed loan of 12 crores from the State Bank of India and thereafter it did not repay the same. Hence on 3.10.2015 the said Bank took possession of Ready Mix Concrete Factory and Blue Metals Crushers and quarry under SARFAESI Act. After taking possession, a private security namely Matrix Security was arranged by the Bank and 10 persons were employed as security guards for the above said premises. Further, on 9.10.2015,

about 50 unknown persons with deadly weapons broke open the lock and 40 unknown persons trespassed into the above said premises kept under security and caused injuries to the security guards and locked them inside the room. Thereafter at 4.00 a.m., the next day Morning, they took the 10 securities in the company vehicle and dropped them. The above said company had engaged the above said hooligans and committed the offence. Hence a case has been registered in Crime No.386 of 2015 under sections 147, 148, 457, 324 and 506(ii) of IPC.

3. Learned counsel for the petitioner submitted that the petitioner's father is Managing Director of M/s.Technomax Building Solution India Pvt. Ltd. He further submitted that the Bank has committed a serious illegality in following the procedure of SARFAESI Act against the petitioner's father company, hence in order to overcome the said illegality, the bank gave false complaint against the company and thus prayed for quashing of FIR registered in Crime No.386 of 2015 with the respondent police.

4. Learned Additional Public Prosecutor submitted that the complaint is given against the 40 unidentified persons and investigation is still pending in this case.

5. In my considered opinion, the scope for quashing the first information report is very limited, since the investigation is not yet completed. Hence, I am of the opinion that the present OP is a pre-mature one. Therefore, this petition is dismissed, however, with a liberty to the petitioner to approach this Court after filing of a final report. The 2nd respondent is directed to expedite the investigation and file a final report as early as possible. Consequently, the connected M.P.No.1 of 2012 is closed.

Sd/-

सत्यमेव जयते
Assistant Registrar

//True Copy//

Sub Assistant Registrar

msr
To

- 1.The Inspector of Police,
Perianaicken Palayam Police Station,
Coimbatore District.
- 2.The Public Prosecutor,
High Court, Madras.

Cr1.O.P.No.30178 of 2015

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kra 12.01.2016