

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.10.2016

CORAM

THE HON'BLE MR.JUSTICE P.N.PRAKASH

Crl.O.P. No.1801 of 2011

and M.P.No.1 of 2011

1.M/s Young One Corporation  
rep by Mr.Moohn Hyun  
No.171, Manri Dong  
2 KA, Chung Gu  
Seoul, South Korea.

2.Syed Mohamed Buhari  
Deputy General Manager  
M/s Young One Corporation  
Indian Liaison Office  
No.23, Sree Lakshmi Nagar  
Nava India Road  
Coimbatore.

Petitioners

vs.

1.State by Inspector of Police  
Mangalam Police Station  
Tiruppur  
Tiruppur District.

2.M/s Cethar Industries Limited  
rep by its Manager  
M.Balasubramanian  
No.10/2 Parappalayam  
Mangalam, Tiruppur 641 604.

Respondents

Criminal Original Petition filed under Section 482,  
Cr.P.C. to call for the records in Cr.No.546 of 2010 on the  
file of the 1st respondent and quash the same.

For petitioners : Mr.S.Balasubramanian

For R1 : Mr.C.Emalias  
Additional Public Prosecutor

**ORDER**

This petition has been filed to call for the records  
in Cr.No.546 of 2010 on the file of the 1st respondent and  
quash the same.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the State.

3. M/s Cethar Industries Limited filed a petition u/s 156(3) Cr.P.C. before the Judicial Magistrate-II, Tiruppur and based on the directions of the learned Magistrate, the respondent police have registered a case in Cr.No.546 of 2010 on 13.04.2010 u/s 102-B, 420, 408, 384 and 389 IPC r/w 511 IPC against the petitioners herein, challenging which the petitioners are before this Court.

4. On a reading of the complaint it is seen that, the first petitioner is a South Korean Company and the second petitioner is the Deputy General Manager of the first accused Company. According to the complainant, they are engaged in manufacturing readymade knitted garments and the first accused Company placed orders for the supply of 8,736 pieces of readymade knitted garments, which were supplied by the complainant Company. But, the first accused Company had rejected the shipping documents that were sent through the State Bank of India for payment, on the ground of discrepancies found therein. On a reading of the complaint it is evident that a criminal colour has been given to a purely civil commercial transaction.

In the result, this petition is allowed and the FIR in Cr.No.546 of 2010 is hereby quashed. Consequently, connected miscellaneous petition is closed.

gms

Sd/-

Assistant Registrar (CS- )

/TRUE COPY/

Sub-Assistant Registrar

To

1.The Inspector of Police  
Mangalam Police Station  
Tiruppur  
Tiruppur District.

2.The Public Prosecutor,  
High Court, Madras.

Cr1.O.P. No.1801 of 2011

KSJ