

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.07.2016

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Crl.O.P.No.26167 of 2014 & M.P.No.1 of 2014
and
M.P.Nos.1, 1 & 2, 2 of 2014
in
Crl.O.P.Nos.24007 and 24008 of 2014

Crl.O.P.No.26167 of 2014

T.Mannan

S/o.P.R.Thiyagarajan

.... Petitioner

vs

1.The State of Tamil Nadu,
represented by the
Inspector of Police,
District Crime Branch,
Salem.
Crime No.28 of 2014

2.S.Saravanan

S/o.Saminathan

.... Respondents

Criminal Original Petition filed under Section 482 of the
Code of Criminal Procedure praying to call for the FIR in Crime
No.28 of 2014 dated 13.08.2014 on the file of respondent and
quash the same.

For Petitioner : Mr.J.C.Duraiaraj

For Respondents: Mrs.M.F.Shabana
Government Advocate [Crl.side] [R1]
Mr.V.Subramanian
for Mr.Micheal Bharathi [R2]

M.P.No.1 of 2014 in Crl.O.P.Nos.24007 of 2014

T.Mannan

S/o.P.R.Thiyagarajan

... Petitioner

vs

The State of Tamil Nadu,
represented by the
Inspector of Police,
District Crime Branch,
Salem.

Crime No.28 of 2014

... Respondent

Miscellaneous Petition filed u/s.438 of the Code of Criminal Procedure praying to modify the condition imposed on the petitioner to appear before the respondent police daily at 10.30 a.m. for interrogation for a period of two weeks under orders in CrI.O.P.No.24007 of 2014 dated 09.09.2014.

For Petitioner : Mr.S.Silambanan, senior counsel
for M/s.AVV Partners

For Respondent : Mrs.M.F.Shabana
Government Advocate [CrI.side]

M.P.No.1 of 2014 in CrI.O.P.Nos.24008 of 2014

Chandramohan Pany
S/o.Kothandapani

... Petitioner

vs

The State of Tamil Nadu,
represented by the
Inspector of Police,
District Crime Branch,
Salem.

Crime No.28 of 2014

... Respondent

Miscellaneous Petition filed u/s.438 of the Code of Criminal Procedure praying to modify the condition imposed on the petitioner to appear before the respondent police daily at 10.30 a.m. for interrogation for a period of two weeks under orders in CrI.O.P.No.24008 of 2014 dated 09.09.2014.

For Petitioner : Mr.S.Silambanan, senior counsel
for M/s.AVV Partners

For Respondent : Mrs.M.F.Shabana
Government Advocate [CrI.side]

M.P.No.2 of 2014 in CrI.O.P.Nos.24007 of 2014

S.Saravanan
S/o.Swaminathan

... Petitioner

vs

1.T.Mannan
S/o.Thiagarajan

2.The State of Tamil Nadu,
represented by the
Inspector of Police,
District Crime Branch,
Salem.
Crime No.28 of 2014

... Respondents

Miscellaneous Petition filed u/s.439(2) of the Code of Criminal Procedure praying to cancel the anticipatory bail granted in Crl.O.P.No.24007 of 2014 under order dated 09.09.2014.

For Petitioner : Mr.V.Subramanian
for Michael Bharathi

For Respondent : Mrs.M.F.Shabana
Government Advocate [Crl.side] [R2]

M.P.No.2 of 2014 in Crl.O.P.Nos.24008 of 2014

S.Saravanan
S/o.Swaminathan

... Petitioner

1.Chandramohan Pany
S/o.Kothandapani

2.The State of Tamil Nadu,
represented by the
Inspector of Police,
District Crime Branch,
Salem.
Crime No.28 of 2014

... Respondents

Miscellaneous Petition filed u/s.439(2) of the Code of Criminal Procedure praying to cancel the anticipatory bail granted in Crl.O.P.No.24008 of 2014 under order dated 09.09.2014.

For Petitioner : Mr.V.Subramanian
for Michael Bharathi

For Respondent : Mrs.M.F.Shabana
Government Advocate [Crl.side] [R2]

C O M M O N O R D E R

Crl.O.P.No.26167 of 2014 seeks quash of Crime No.28 of 2014 dated 13.08.2014 on the file of respondent. While M.P.Nos.1 and 1 of 2014 in Crl.O.P.Nos.24007 and 24008 of 2014 have been filed seeking modification of anticipatory bail condition imposed under order dated 09.09.2014, M.P.Nos.2 and 2 of 2014 in such petitions have been filed seeking cancellation of bail.

2. Heard Mr.Silambanan, learned senior counsel for petitioners/accused, Mr.V.Subramanian, learned counsel for de facto complainant and Mr.J.C.Durairaj, learned counsel for petitioner/accused in Crl.O.P.No.26167 of 2014 and Mrs.M.F.Shabana, learned Government Advocate for State.

3. Learned counsel for petitioner in Crl.O.P.No.26167 of 2014 submits that a false complaint of commission of offences stands made in respect of a transaction which purely is of commercial nature.

4. On a perusal of the First Information Report, this Court is unable to accept such contention. A perusal of the First Information Report reveals that despite an agreement whereunder the de facto complainant had purchased the entire rights to a movie, persons accused sought to create rights in respect of other persons. The de facto complainant had acquired rights to the movie on payment of Rs.1,75,00,000/-. The allegations, upon investigation, may or may not inform commission of offences. In such circumstances, it will not be appropriate for this Court to quash the First Information Report.

5. As regards the petitions seeking modification of anticipatory bail condition, this Court is of the view that in circumstances where sureties as required by this Court had been produced and learned senior counsel for accused informs the non-compliance of the further condition of appearance before the first respondent police as having been occasioned by mistake, this Court considers it appropriate to now permit the petitioners to effect such compliance. Accordingly, the accused shall now be required to appear before the respondent police from 01.08.2016 to 14.08.2016 at 07.00 p.m. and thereafter, as and when required.

In the result,
(i) Crl.O.P.No.26167 of 2014 shall stand dismissed.
Consequently, connected miscellaneous petition is closed.
(ii) M.P.Nos.1 and 1 of 2014 in Crl.O.P.No.24007 and 24008 of 2014 shall stand ordered on the above terms.
(iii) M.P.Nos.2 and 2 of 2014 in Crl.O.P.No.24007 and 24008 of 2014 shall stand dismissed.

Sd/-
Assistant Registrar(V)

//True Copy//

Sub Assistant Registrar

gm

To

1. The Metropolitan Magistrate NO.XVIII,
Saidapet, Chennai.
2. -do- Thro' The Chief Metropolitan Magistrate,
Egmore, Chennai.
3. The Inspector of Police,
District Crime Branch,
Salem.
4. The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.Micheal Bharathi, Advocate SR.40735
+ 1 cc to M/s. AAV. Partners, Advocate sr.40504
+ 1 cc to Mr.S. Ramalingam, Advocate Sr.39912

Crl.O.P.No.26167 of 2014 & M.P.No.1 of 2014
and
M.P.Nos.1, 1 & 2, 2 of 2014 in Crl.O.P.Nos.24007 and 24008 of
2014

KJI(CO)
EU 25.7.16