

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2016

CORAM

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

Crl.O.P. No.21965 of 2016
and
Crl.M.P.No.10187 of 2016

M/s Amar Prakaash Developers Private Limited
rep by its Managing Director
Aadarsh Kumar Surana
S/o Mr.Sudhir Kumar Surana
No.42, Rajendra Prasad Road
Nehru Nagar, Chrompet
Chennai 600 064

... Petitioner/Accused

Vs.

1.State rep by the Inspector of Police
T13, Kundrathur Police Station
Kancheepuram District.

2.P.Anguraj

... Respondents/Defacto
Complainant

Criminal Original Petition filed under Section 482,
Cr.P.C. to call for the records relating to the FIR in
Cr.No.528 of 2015 pending on the file of the Kundrathur Police
Station, Kancheepuram and quash the same by allowing this
criminal original petition.

For petitioner : Mr.M.Guruprasad

For respondent : Mr.C.Emalias,
Additional Public Prosecutor
for R1

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ORDER

This petition has been filed to call for the records
relating to the FIR in Cr.No.528 of 2015 pending on the file
of the Kundrathur Police Station, Kancheepuram and quash the
same by allowing this criminal original petition.

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

3. It is seen that on the complaint lodged by one Surendar of M/s EAP Infrastructures Pvt. Ltd. [hereinafter referred to as "EAP Infrastructures"], the respondent police have registered a case in Cr.No.527 of 2015 on 28.04.2015 u/s 406 and 420 IPC against one Rays Concrete Pvt. Ltd [hereinafter referred to as "Rays Concrete"]. On the complaint of one Anguraj, Credit Manager of Rays Concrete Pvt. Ltd., the respondent police have registered a case in Cr.No.528 of 2015 on 11.04.2015 u/s 406 and 420 IPC against Amar Prakash Developers Pvt Ltd. [hereinafter referred to as "Amar Prakash"], which is said to be the parent Company of EAP Infrastructures.

4. The allegations in Cr.No.527 of 2015 is that Rays Concrete had supplied substandard materials to EAP Infrastructures and had cheated them. The allegations in Cr.No.528 of 2015 is that Amar Prakash had placed a purchase order with Rays Concrete to a tune of Rs.13 lakhs and after the goods were supplied, they have not repaid money and are preventing Rays Concrete from taking back their implements. Challenging the FIR in Cr.No.528 of 2015, Amar Prakash is before this Court.

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

6. Learned Additional Public Prosecutor submitted that there are several complaints against Amar Prakash from others alleging that Amar Prakash will place purchase orders and after availing the goods and services, would repudiate the claim by contending that the supply was inferior. Since it is a case in counter, this Court is not inclined to interfere to quash the FIR in Cr.No.528 of 2015. However, this Court directs the Deputy Commissioner of Police, Ambattur to monitor the investigation by the Inspector of Police, T-13, Kundrathur Police Station in Cr.Nos.527 and 528 of 2015 and complete the same within a period of six months from the date of receipt of a copy of this order.

In the result, this petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

1.The Inspector of Police
T13, Kundrathur Police Station
Kancheepuram District.

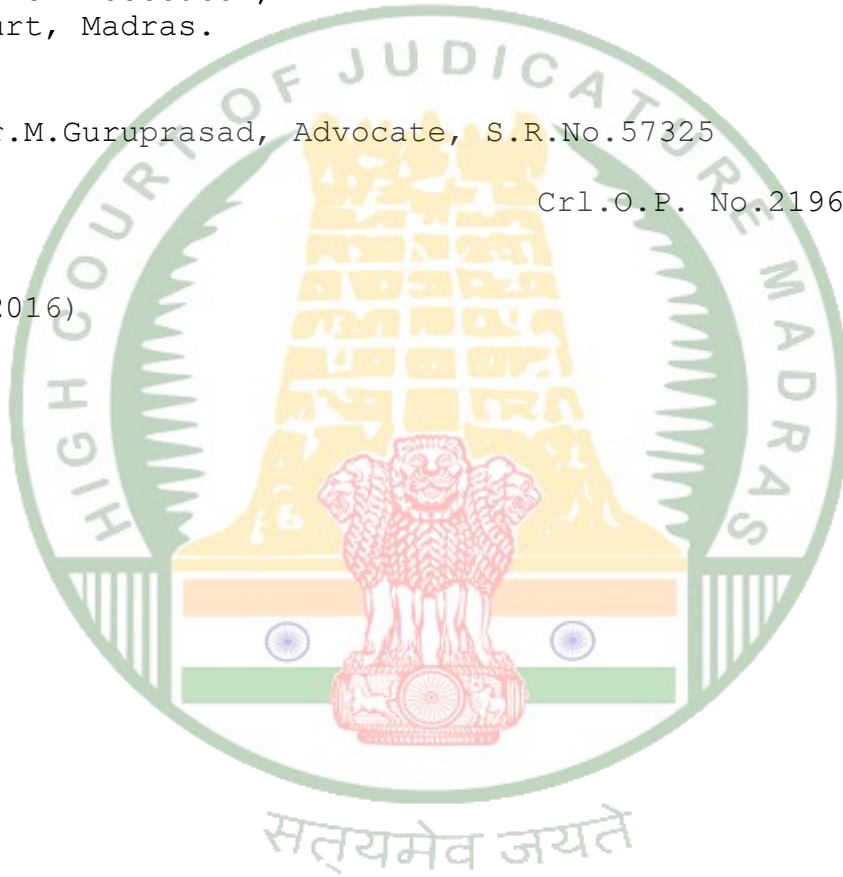
2.The Deputy Commissioner of Police,
Ambattur.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.M.Guruprasad, Advocate, S.R.No.57325

Crl.O.P. No.21965 of 2016

RSY(CO)
CA(24/10/2016)



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