

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 18.09.2017

WEB COPY

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR**CRL.OP. (MD) No.12229 of 2017**

M/s.Akshaya Agro Informatics Pvt. Ltd.,
Rep. by its Authorized Signatory,
B.Senthilnathan, No.60/3, L.D.G.Road,
Little Mount, Chennai - 600 015.

... Petitioner/Complainant

Vs.

The Inspector of Police,
District Crime Branch,
Palayamkottai,
Tirunelveli District.

... Respondent

PRAYER: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the respondent to return the original or authorized copy of the following documents submitted by the petitioner/complainant relating to the First Information Report in Crime No.44 of 2009, namely, (1) Purchase Confirmation Order, dated 29.10.2008, (2) Invoice Nos.295, 296, 297 & 298, dated 22.11.2008, (3) Letter from PR Shanmugham, dated 03.02.2009 and (4) Letter from PR Shanmugham to the petitioner.

For Petitioner : Mr.E.Veda Baghat Singh

For Respondent : Mr.K.Anbarasan,

Government Advocate (Criminal Side).

O R D E R

This Criminal Original Petition is filed for a direction to the respondent to return the original or authorized copy of the following documents submitted by the petitioner/complainant relating to the First Information Report in Crime No.44 of 2009, namely, (1) Purchase Confirmation Order, dated 29.10.2008, (2) Invoice Nos.295, 296, 297 & 298, dated 22.11.2008, (3) Letter from PR Shanmugham, dated 03.02.2009 and (4) Letter from PR Shanmugham, alleged to have been handed over to the respondent by the



2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Criminal Side) appearing for the respondent.

3. It is stated that the petitioner has earlier lodged a criminal complaint which was referred to the respondent and registered in Crime No.44 of 2009 for the offences under Sections 406, 420 and 506(ii) I.P.C. It is further stated by the petitioner that for the purpose of investigation, the petitioner was asked to hand over the original copies of the documents including Purchase Confirmation Order, Invoices and Letter correspondence between the parties which were handed over to the respondent police.

4. The learned counsel for the petitioner submitted that the petitioner has subsequently filed a civil Suit in C.S.No.805 of 2009 as against the accused and that the petitioner require those documents which were handed over to the respondent police for the purpose of pursuing the Suit filed by the petitioner. It is further stated that it is in these circumstances, the above Criminal Original petition is filed.

5. The learned Government Advocate(Criminal Side) produced before this Court an order passed by this Court in M.P.(MD)No.1 of 2014 in CrI.O.P.(MD)No.15436 of 2014, wherein this Court in the petition filed by the accused in the criminal case to quash the complaint, has obtained an order of Interim Stay of the First Information Report until further orders.

6. Recording the fact that the petitioner in the Criminal Original petition has made out a prima facie case, due to the civil Suit filed by the defacto complainant(petitioner herein) on the Original Side of the Principal Bench of this Court, this Court has observed that the petitioner herein cannot maintain the criminal complaint. In such circumstances, it is all the more necessary that the documents which were produced before the respondent should be handed over to the petitioner to pursue the Suit.

7. In that view of the matter, the Criminal Original petition is allowed and the respondent herein is directed to hand over the original documents which are described in this petition, if necessary after taking a copy of the same, within a period of two weeks from the date of receipt of a copy of this order.

Sd/-
Assistant Registrar()

/True Copy/



To

1. The Inspector of Police, District Crime Branch,
Palayamkottai, Tirunelveli District.

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to M/S. R.MURALI, Advocate, SR.No.79537.

CRL.OP.(MD)No.12229 of 2017
18.09.2017

pmu
SDS/SKN:RSK/SAR 1/25.09.2017/3P/4C