

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 29.06.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.550 of 2018

and

CrI.MP.No.169 of 2018

E.D.Munuswaamy

Proprietor of Devahi Tools

.. Petitioner

Vs

1.The Inspector of Police
Central Crime Branch,
Vepery, Chennai-600 007.

2.Rajasekar Prasad

.. Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records culminating in FIR No.389 of 2015 dated 15.10.2015 on the file of the Inspector of Police, Central Crime Branch, Vepery and quash the same.

For Petitioner : Mr.S.Sivaraman

For Respondents : Mrs.Kritika Kamal.P

Government Advocate (CrI. Side)

For R1

O R D E R

This Criminal Original Petition has been filed to call for the records culminating FIR No.389 of 2015 dated 15.10.2015 on the file of the Inspector of Police, Central Crime Branch, Vepery and quash the same.

2. It is the case of Beta Die Casting Equipment Inc. that they had financed Devahi Tools to install machineries and they had also supplied 6 machineries to Beta Die Casting Equipment Inc., for refurbishing them and selling in the market. However, Devahi Tools has sold one machinery and had not paid the amount to Beta Die Casting Equipment Inc. When Beta Die Casting Equipment Inc. started demanding money and also asked for the return of balance 5 machines, Devahi Tools has taken a stand that they are the owners of the 5 machiners and are refusing to return the same.

3. The learned counsel for the petitioner/accused submitted that Beta Die Casting Equipment has filed a suit in CS.No.357 of 2013 and the same is pending on the file of this Court. He also submitted that Devahi Tools is ready and willing to return 4 machineries to the de facto complainant.

4. Be that as it may, since there are disputed questions of fact, this Court cannot go into the same and quash the FIR at the threshold. However, this Court directs the Assistant Commissioner of Police, Central Crime Branch, Chennai, to monitor the investigation in Crime No.389 of 2015 and complete the same within a period of six months from the date of receipt of a copy of this order and either file a closure report or the charge sheet as the case may be.

With the above direction, this petition is closed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

mk

To

1.The Inspector of Police
Central Crime Branch,
Vepery, Chennai-600 007.

2.The Public Prosecutor
High Court, Madras.

+1cc to Mr.Ashokkumar, Advocate, S.R.No. 41853

CRL.O.P.No.550 of 2018

BM 09/07/2018