

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2018

CORAM :

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

Crl.O.P.No.24961 of 2018 and
Crl.M.P.No.14082 of 2018

S.Vinoth

.. Petitioner

Vs

1. The State Rep. by
The Inspector of Police,
Law and Order,
T2, Ambattur Estate Police Station,
Chennai - 58.

2. R.Sushinndhran
Prop.Kavisystems and Solutions

.. Respondents

Criminal Original Petition filed under Section 482 Cr.P.C.
to call for the records in Crime No.609 of 2018 on the file of
the 1st respondent police and quash the same.

For Petitioner : Mr.R.Rajarajan

For R1 : Mrs.M.Prabhavathi
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to call for
the records in Crime No.609 of 2018 on the file of the 1st
respondent police and quash the same.

2.On the complaint lodged by one Sushinndhran, the 1st
respondent police have registered a case in Crime No.609 of 2018
on 10.07.2018, for the offences under Sections 406 and 420 IPC,
against one Anil Kishore of M/s.Sky Circle Technologies Private
Limited.

3.It is the case of the de facto complainant that he had
paid Rs.2,50,000/- as refundable deposit to Anil Kishore and had
entered into a contract on 31.01.2017, under which, Anil Kishore
had promised that the de facto complainant would get huge

returns. It is the allegation of the de facto complainant that Anil Kishore had failed to adhere to the terms of the contract and a sum of Rs.8,00,000/- is due to the de facto complainant. Hence, the complaint and the FIR.

4.While that being so, the petitioner, who is not shown as accused in the FIR, has failed the present petition for quashing the FIR.

5.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor, appearing for the 1st respondent police.

6.Today, Mr.S.Singamuthu, Special Sub Inspector of Police, T-2 Ambattur Estate Police Station, Chennai, is present before this Court.

7.The learned counsel for the petitioner submitted that the petitioner was a Director in M/s.Sky Circle Technologies Private Limited and at present, the petitioner is employed in M/s.CES Ltd., Nungambakkam, Chennai, and he had nothing to do in the alleged transaction. Therefore, he prays for quashing of the FIR.

8.The fact remains that the petitioner has not been implicated in the complaint given by Sushinndhran, the de facto complainant, and therefore, the name of the petitioner has not been shown in Column No.7 of the FIR. In Column No.7 of FIR, only the name of Anil Kishore has been shown.

9.However, fearing arrest, the petitioner has filed CrI.O.P.No.18566 of 2018 under Section 438 Cr.P.C. and this Court has granted Anticipatory Bail to the petitioner on 10.08.2018.

10.In the opinion of this Court, it is too premature for this Court to come to a conclusion about the involvement or non involvement of the petitioner in the offence, because the FIR is not an encyclopedia of the prosecution case. However, on a reading of complaint given by Sushinndhran, its prima facie appears to be civil in nature.

11.Hence, this Court directs the 1st respondent police to conduct a thorough investigation in Crime No.609 of 2018 and if it found that the petitioner was not involved in the offence, as alleged by the de facto complainant, it is needless to state that further action against the petitioner should be dropped.

With the above direction, this Criminal Original Petition is closed. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

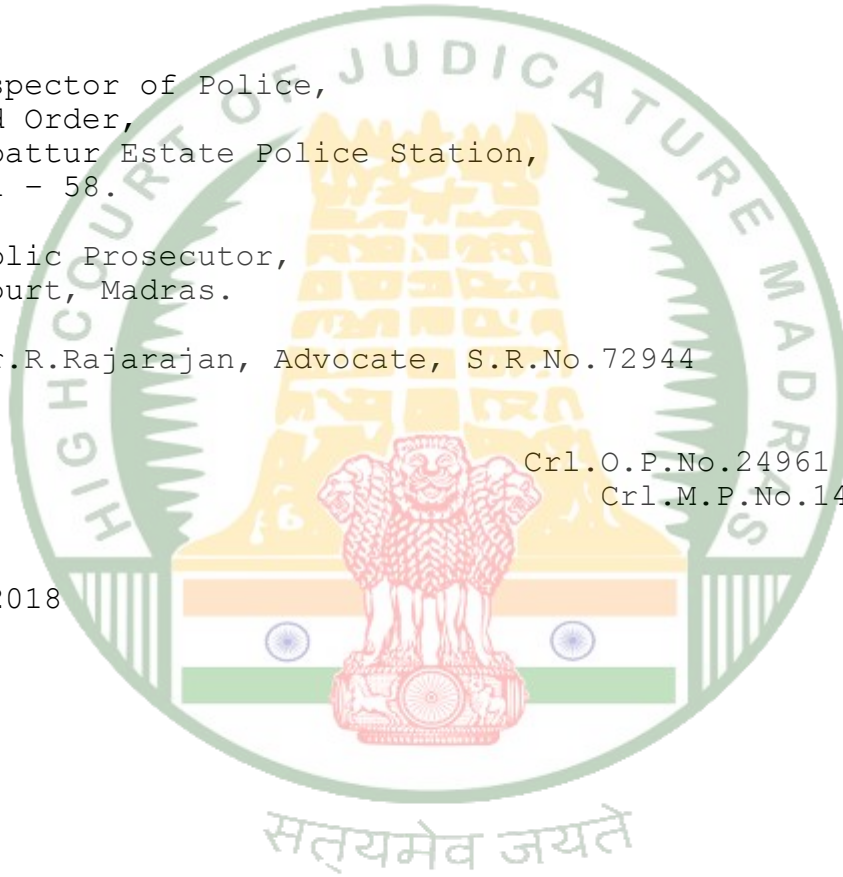
1. The Inspector of Police,
Law and Order,
T2, Ambattur Estate Police Station,
Chennai - 58.

2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Rajarajan, Advocate, S.R.No.72944

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CS/13/11/2018



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