



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 31.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Crl.O.P.Nos.27596, 28368, 28371, 28373, 28377 & 28378 of 2018 &
Crl.M.P.Nos.15911, 16486, 16492, 16494, 16497 & 16500 of 2018 &
4289, 4290, 4291, 4310, 4312, 4320 of 2019

Shaik Abdul Jaleel

... Petitioner/Accused 1 in Crl.O.P.No.27596/2018

Shaik Abdul Khuddus

... Petitioner/Accused 2 in Crl.O.P.No.28368/2018

Shaik Fouzia Banu

... Petitioner/Accused 2 in Crl.O.P.No.28371/2018

DR.Anil Kumar Koneru

... Petitioner/Accused 2 in Crl.O.P.No.28373/2018

Shaik Sharmila

... Petitioner/Accused 2 in Crl.O.P.No.28377/2018

Shaik Abdul Aziz

... Petitioner/Accused 2 in Crl.O.P.No.28378/2018

Vs

1. The State rep. by

The Inspector of Police,

CCB-1, Office of the Commissioner of Police,

No.132, EVK Sampath Road,

Vepery,

Chennai - 600 007.

(Crime No.431 of 2017)

..1st Respondent/complainant

Crl.O.P.No.27596, 28368, 28371, 28377, 28378/2018

2. A Manohar Prasad ... 2nd Respondent/Defacto Complainant in

Crl.O.P.No.27596, 28368, 28371, 28373, 28377,
28378/2018

Common Prayer : Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in the F.I.R. registered in crime No.431 of 2017 on the file of the 1st respondent Police and quash the same.



WEB COPY

In all CrI.O.P's

For Petitioner : Mr.Zaffarullah Khan

For Respondent : R1 - Mr.S.Vinoth Kumar,
Government Advocate (Criminal Side)

For R2 : S.R.Rajagopal, Senior Counsel
for Mr.Arvind Srivatsa

O R D E R

These Criminal Original Petitions have been filed to quash the F.I.R. registered in crime No.431 of 2017 on the file of the 1st respondent Police filed against the petitioners for the offences punishable under 406, 420, 506(i) and 120B of I.P.C.

2. The allegation in the F.I.R. shows that as if the accused have induced the defacto complainant to invest a sum of Rs.40 crores in marine products and thereby committed cheating. The learned Counsel for the petitioners has sought for quashment of the F.I.R. and contended mainly that a civil suit has been filed with the same allegations and further a Commissioner has already been appointed in the Civil Suit to find out the stocks and trade. Therefore, with the similar allegations the F.I.R. is not maintainable.

3. At the outset, this Court is unable to persuade itself with such a contention. Merely because a civil suit is pending, it cannot be said that no criminal complaint could be filed. As the allegation itself indicate that there is inducement which resulted in investment, whether such allegations are true or not has to be seen only during the investigation. Therefore, this Court is of the view that at this stage, the FIR cannot be quashed.

4. At this stage, the learned Counsel for the petitioner submits that some of the parties in this case are ladies and they are necessarily harassed by the police authorities and one of the accused arrayed as an accused has already retired from the company and he has no role with regard to the alleged allegations.

5. The Investigation agency shall take into consideration of the fact that the women need not be summoned unnecessarily and proper procedure has to be followed. Further the investigation has to be conducted taking note of the above submissions particularly of the fact that whether the said



person is incharge at the relevant point of time or not.

5. With the above observations, these Criminal Original Petitions are dismissed. The Investigation agency is directed to conduct the investigation expeditiously and file a final report. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

vrc / kbs

To

1. The Inspector of Police,
CCB-1, Office of the Commissioner of Police,
No.132, EVK Sampath Road, Vepery,
Chennai - 600 007.
2. The Public Prosecutor,
High Court, Madras.

Crl.O.P.Nos.27596, 28368, 28371, 28373,
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16497 & 16500 of 2018 & 4289, 4290,
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NR(CO)
GMY(11/02/2022)