

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2019

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.No.1185 of 2019
and Crl.M.P.No.775 of 2019

1.Selvakumar
2.Paneerselvam ...Petitioners/Accused

Versus

1.State Represented by,
The Inspector of Police,
District Crime Branch,
Cuddalore Police Station,
Cuddalore 607 101.

2.K.Pavadai ...Respondents/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to quash the F.I.R in Crime No.10 of 2018 dated 17.09.2018 against the petitioners pending on the file of the District Crime Branch Cuddalore Police Station, Cuddalore.

For Petitioners : Mr.Mahesh Kumar

For R1 : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

This petition has been filed seeking to quashing of F.I.R in Crime No.10 of 2018, on the file of the respondent Police. The petitioners are added as A2 and A3 in the F.I.R.

2. It is seen from the records that these petitioners along with the A1 filed a petition for Anticipatory Bail before this Court in Crl.O.P.No.24993 of 2018. The order passed by this Court is extracted here under:-

"3.The case of the prosecution is that the 1st petitioner and one S.Jeyakumar are running a dairy farm in the name of J.Aral Enterprise and they are the directors of the dairy farm. The

said dairy farm collected milk from the innocent farmers for production of milk pockets in the name of Asra and the same were sold to public and that they have to pay money for milk which they collected from them. The defacto complainant is the agent who collected milk from the innocent farmers and he supplied the same to the petitioners. However, the petitioners failed to pay the amount totally Rs.32 lakhs, for which, the defacto complainant agent lodged a complaint before the Law Enforcing Agency.

4.The learned counsel for the petitioners would submit that the petitioners are liable to pay only a sum of Rs.10 lakhs. He would further submit that they have nothing to do the alleged offence as prosecuted. The learned counsel, on instructions, would further submit that the petitioners without prejudice to their righter, is ready to pay a sum of Rs.20 lakhs directly to the farmers who provided milk to the defacto complainant.

5.The learned counsel for the Intervenor would submit that if the petitioners deposits Rs.20 lakhs, the job may be entrusted to the police official who are readily available and disburse the amount to the real victims after ascertaining the genuine records.

6.After arguments, the learned Additional Public Prosecutor appearing for the State would submit that this Court may direct the Superintendent of Police, to appoint a fit person (Inspector of Police) for disbursement of amount to the real victims.

7.Since the petitioners themselves have come forward for payment of substantial amount, the Superintendent of Police, is directed to appoint a fit person within a period of one week for disbursement of the amount to the real victims who sold their milk through the agent. The said exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

8.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period

of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate, Cuddalore on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties each for a like sum to the satisfaction of the respondent Police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioners shall pay a sum of Rs.20 lakhs to the fit person to be appointed by the Superintendent of Police within a period of one week. Thereafter, the petitioner is directed to deposit Rs.20,00,000/- (Rupees twenty lakhs only) within a period of two weeks and after paying the amount, the fit person (Police official) is directed to disburse the amount to the real victims within a period of four weeks thereafter."

3.The petitioner filed a petition for modification of the condition and the same was dismissed by this Court by an order dated 06.12.2018.

4.Admittedly, the petitioners have not complied with the condition imposed by this Court. On this ground alone, this Criminal Original Petition is liable to be dismissed. It is open to the petitioner to place all relevant documents before the Investigating Officer and also settle all the genuine claim made by the farmers. It is up to the Investigating Officer to take the same into consideration at the time of conducting the investigation.

5.In the result, this Criminal Original Petition is dismissed. Consequently, the connected miscellaneous petition is also closed.

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Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vv2/rpl

To

1.The Inspector of Police,
District Crime Branch,
Cuddalore Police Station,
Cuddalore 607 101.

2.The Judicial Magistrate,
Cuddalore.

3.The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.1185 of 2019

srg 22/04/2019



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