

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.2273 of 2019
and Crl.M.P.No.1495 of 2019

1.N.Harihara Krishnan
2.Natesa Hari Hara Krishnan

...Petitioners/A1 & A3

Vs

M/s.Srivari Exports
Represented by one of its Partner
Mr.K.Subramaniam.

... Respondent/Complainant

Prayer:-

Criminal Original Petition filed under Section 482 Cr.P.C. pleaded to call for the records pertaining to the proceedings in C.C.No.2590 of 2012 pending on the file of Hon'ble XIV Metropolitan Magistrate, Egmore and quash the same.

For Petitioner : Mr.R.Mohandoss

For Respondent : Mr.K.M.Subramanian

ORDER

This petition has been filed to quash the proceedings in C.C.No.2590 of 2012, on the file of the Hon'ble XIV Metropolitan Magistrate, Egmore, Chennai.

2.The respondent has filed a private complaint under Section 200 Cr.P.C. as against the petitioners for the offence under Section 420 and 406 IPC, before the learned Hon'ble XIV Metropolitan Magistrate, Egmore, Chennai.

3.The crux of the complaint is that the respondent/complainant is one of the partner of M/s.Srivari Exports carrying on quarry business. According to the defacto complainant, the petitioners, who were the then partners of M/s.Srivari Exports. The complainant along with other partners

entered into an agreement of sale for acquiring and taking over the said M/s.Srivari Exports firm for a sale consideration of Rs.2,50,00,000/- and part amount were paid by way of demand draft. Based on such agreement and parted with money to the tune of Rs.1,10,00,000/- and also taken possession of the property at S.Nos.3,4,9,228, 230, 231 of Kannai and Karukalipattu Village, Villupuram Taluk & district and agreed to hand over the original documents to them. Even after parting huge amount, the petitioners have not handed over the documents. When the respondent insisted to handover the original title documents, the respondent came to know that the properties owned by M/s.Srivari Exports were already mortgaged to Syndicate Bank and the documents were held by the bank. The respondent is also facing SARFAESI proceedings. Hence, the respondent had lodged a private complaint before the XIV Metropolitan Magistrate, Egmore, Chennai.

4.The learned counsel for the petitioners produced "A" diary extract, which shows that already trial commenced and already P.W.1 was examined.

5.Considering the above facts and circumstances of the case and also that the trial has already been commenced, quashing of the proceedings in C.C.No.2590 of 2012 cannot be considered.

6.However, the petitioners are at liberty to raise all the grounds before the trial Court and also considering the Calendar case is of the year 2012, the learned XIV Metropolitan Magistrate, Egmore, Chennai, is directed to complete the trial within a period of three months from the date of receipt of copy of this order.

7.This Criminal Original Petition is disposed of accordingly. Consequently, the connected Miscellaneous petition is closed.

सत्यमेव जयते

Sd/-

Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

rm

To

1. The XIV Metropolitan Magistrate,
Egmore, Chennai

2. The Public Prosecutor,
High Court, Madras.

+lcc to M/S.Subramanian Law Associates, S.R.No.38042

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CS/14/06/2019



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