

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.618 and 183 of 2014
and M.P.Nos.1, 1 and 2, 2 of 2014

Vijay Kumar Goyal ... Petitioner in Crl.O.P.No.618 of 2014

Bhushan Goyal ... Petitioner in Crl.O.P.No.183 of 2014

Vs.

Girish Gupta ... Respondent in both the petitions

PRAYERS: Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records being the proceedings in C.C.No.1162 of 2012, pending on the file of the XVIII Metropolitan Magistrate, Saidapet, Chennai and quash the same.

For Petitioners : MR.Arun Karthik Mohan
(in both the petitions)

For Respondent : No Appearance
(in both the petitions)

COMMON ORDER

This Criminal Original Petitions are filed to call for the records in C.C.No.1162 of 2012, pending on the file of the XVIII Metropolitan Magistrate, Saidapet, Chennai and quash the same.

2. The petitioners, who are father and son, submitted that the respondent / complainant is the nephew of petitioner, viz., Vijay Kumar Goyal. Alleging that the petitioners herein had forged the signature of the respondent's father, viz., Nirmal Kumar Gupta in loan documents and availed overdraft facility, the respondent has filed a complaint in C.C.No.1162 of 2012 for the offence punishable under Sections 467, 468, 471 and 109 read with 420 IPC.

3. The learned counsel for the petitioners submitted that the father of the respondent and the respondent had both participated in securing the said overdraft facility and the benefits of the same were also enjoyed by them. Subsequently,

due to the dispute arose between the parties, several proceedings before the Company Law Board, Civil and Criminal Courts were initiated by the members of both the families. The impugned proceedings are filed only to harass the petitioners and their family members. Hence, they filed this petition to quash the said complaint.

4. Heard the learned counsel for the petitioners and perused the materials available on record.

5. It is seen that the petitioners and respondent are relatives. The respondent's father, viz., Shri Nirmal Kumar Gupta had a Demat Account in the Indus Ind Bank Ltd. and he had shares in various institutions and those shares had been pledged with the ICICI Bank Ltd., Mount Road Branch by the petitioners herein. It is alleged that the petitioners had forged the signature of the respondent's father in the Hypothecation Form and loan documents and availed overdraft facility. The respondent's father had sworn to an affidavit on 22.04.2006, stating that he had neither pledged nor authorized any one to pledge his shares.

6. From the above facts, it is clear that prima facie case is made out against the petitioners and hence, the proceedings cannot be quashed.

7. In view of the above, this Court finds no merit in this case and hence, the Criminal Original Petitions are dismissed. Consequently, connected miscellaneous petitions are closed. However, liberty is given to the petitioners to raise all the points before the trial court.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

pvs

To

1. The XVIII Metropolitan Magistrate, Saidapet, Chennai
2. The Public Prosecutor, High Court of Madras.

Crl.O.P.No.618 and 183 of 2014

RGN(CO)

CSL/08.04.2019