

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.11.2019

CORAM

THE HONOURABLE MR. JUSTICE M.S. RAMESH

Cr1.O.P.No.22550 of 2019

and

Cr1.M.P.No.11745 of 2019

Sunil Kumar Sreedharan Nair

...Petitioner/Accused

Vs

1.The State rep by
The Inspector of Police,
Central Crime Branch -1,
Chennai.

(Crime No.522 of 2018) ...1st Respondent/Complainant

2.Benin Titus ...2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records in Crime No.522 of 2018 now pending on the file of the first respondent herein and quash the same.

For Petitioner : Mr.S.Rajasekar for
Mr.M.G.Balamurugan

For Respondents: Mr.C.Iyyapparaj for R1
Additional Public Prosecutor
Mr.L.Infant Dinesh for R2

सत्यमेव जयते
O R D E R

This Criminal Original Petition has been filed to call for the records in Crime No.522 of 2018 now pending on the file of the first respondent herein and to quash the same.

2. The First Information Report that has been registered against the petitioner herein as well as three others is put under challenge. The petitioner has been arrayed as accused No.2. The offence for which the petitioner has been charged under Sections 420, 406, 120(B) of IPC.

3. According to the learned for the petitioner, the offence under Sections 420, 406, 120(B) of IPC have not been made out since none of the investors have made any complaints and that the entire issue arises out of the Investment Agreement dated 20.07.2015. The defacto complainant is admittedly a Director of the Bank and the transactions for which he has been implicated in the complaint arise out of the agreement and therefore, the police will not be justified in proceeding criminally against the petitioner herein.

4. The sum and substance of the complaint seem to be that the defacto complainant, along with 18 others, had personally invested a sum of Rs.1,69,36,077/- on different occasions, by way of bank transaction and by cash. The understanding was that the petitioner would get 15% from the investment. It is the specific case of the complaint that the petitioner herein, along with others, had cheated them by utilising the funds along with investors' funds for getting Medical admission and education for their son in the Royal College of London. It is, in this background, the complaint has been registered.

5. On a overall view of the complaint, it could be implied that the cognizable offences under Sections 406, 420 and 120(B) may have been made out. Nevertheless, such allegations in the complaint requires to be substantiated during the course of investigation. Since such cognizable offences are prima-facie made out, I do not find any infirmity in the registration of the FIR as against the petitioner and others. In view of the same, it would not be appropriate to have the FIR quashed. It is made clear that this Court has not expressed any of its view with regard to the involvement of the petitioner for the alleged offences under Sections 406, 420 and 120(B) and hence, the Investigating Officer shall independently come to the conclusion based on the evidence collected.

6. In the light of the above observations, the Criminal Original Petition stands dismissed. The first respondent shall endeavour to complete the investigation as expeditiously as possible, in any event, within a period of three (3) months from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petition is closed.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

vk
To

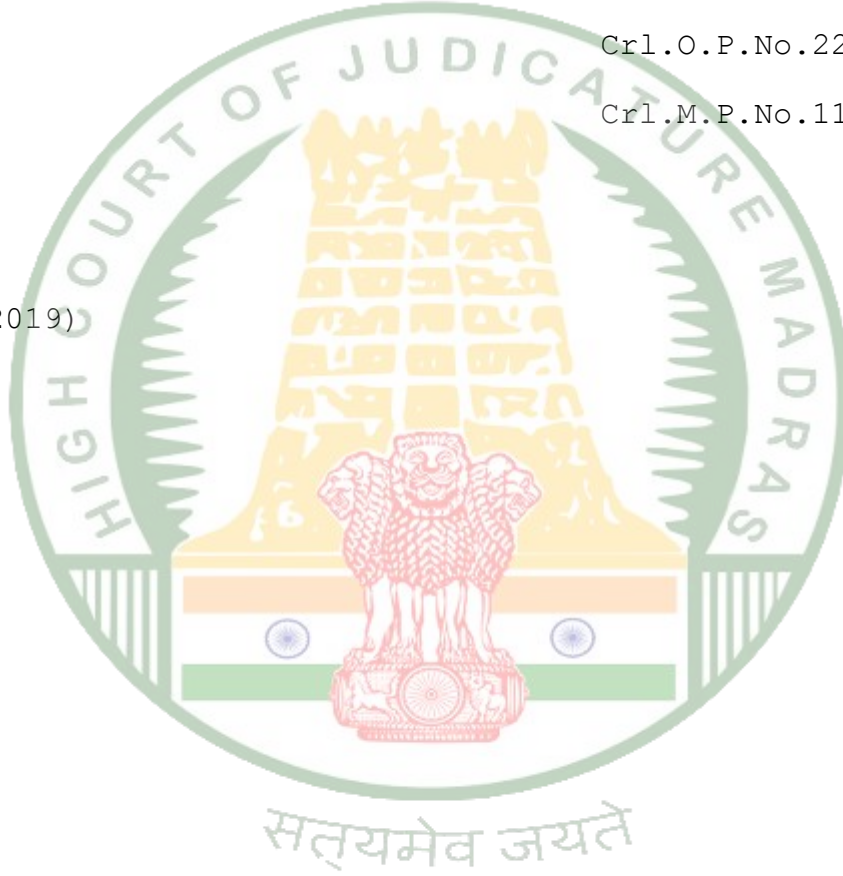
1.The Inspector of Police,
Central Crime Branch -1,
Chennai.

2. The Public Prosecutor,
High Court of Madras.

+1 CC to Mr.M.G.Balamurugan, Advocate sr 91704

CrI.O.P.No.22550 of 2019
and
CrI.M.P.No.11745 of 2019

RJI (CO)
SP(18/11/2019)



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