



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.O.P.No.18337 of 2013

and

M.P.No.1 & 3/2013, Crl.M.P.No.3622/2018

1.Rajesh Malhotra

2.Ravee Raman Malhotra

3.Atul Malhotra ... Petitioners/Accused 1 to 3

vs.

A.R.Sridharan ... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in C.C.No.472 of 2013 on the file of Judicial Magistrate, Alandur and quash the same.

For Petitioner : Mr.Sathish Parasaran, Senior Counsel
for Mr.R.Parthasarathy

For Respondents : Mr.Xavier Felix

ORDER

The petitioners are defacto complainants in Cr.No.16 of 2005, registered against the respondent/ private complainant for the offences under Section 147, 148, 294(b) and 506(ii) IPC r/w 7(1) (a) of the Criminal Law Amendment Act. After investigation, the charge sheet was filed against the respondent on 21.02.2005 in C.C.NO.176/2005, thereafter the said case was transferred from Poonamallee, Judicial Magistrate, Alandur on administrative grounds and renumbered as C.C.No.752/2009 and during the trial, the petitioner deposed himself as a Director of VAK Engineering Private Limited and aggrieved by the alleged false evidence, the respondent / Defacto complainant filed private complaint on the file of the Judicial Magistrate, Alandur in C.C.No.472/2013 and challenging the same, present petition is filed.

2. Mr.Sathish Parasaran, learned Senior Counsel appearing for the petitioner would submit that the petitioner did not commit any false allegation before the Trial Court. In fact aggrieved party is the Company and the Managing Director, who



made a complaint against the petitioners, before this Court. Therefore, the Trial Court has to take cognizance under Section 340 IPC and it is for the Court to take cognizance and it is not for the respondent/aggrieved person and on that ground, the present petition is filed.

3. Mr.Xaviour Felix, learned counsel appearing for the respondent / Defacto complainant would submit that though a case, instituted by the petitioners against the respondent was ended in acquittal, he did not have any intention to continue to prosecute the private complaint any more against petitioners namely Mr.Ravi Raman malhothra and Mr.Atul Malhothra and would further add that the respondent/complainant had grievance only against the 1st petitioners not against other petitioners and conceded that no offense was made out by respondents 2 and 3.

4. In view of the above, the Criminal Original Petition is allowed and the complaint in C.C.No.472 of 2013 against the petitioners 2 and 3 are quashed. Consequently connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-III)

//True copy//

Sub Assistant Registrar

sk

To

1.Learned Judicial Magistrate,
Alandur

2. The Public Prosecutor,
High Court of Madras,
Madras.

+1cc to Mr.R.Parthasarathy, Advocate SR.No.13171

+1cc to Mr.S.Xavier Felix, Advocate SR.No.11715

CrI.O.P.No.18337 of 2013

MR(CO)
GMY(13/07/2020)