

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.02.2020

CORAM:

THE HON'BLE MR.JUSTICE P.VELMURUGAN

Criminal Original Petition No.33257 of 2014

P.Saravanan

... Petitioner

-vs-

1.The State Rep.by
Inspector of Police,
B-1, North Beach Police Station,
Chennai.

2.Iyyappan

...Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records and quash the Crime No.1145 of 2014 pending before the Inspector of Police, B-1, North Beach Police Station, Chennai, dated 19.10.2014 filed against the petitioner/2nd accused.

For Petitioner : Mr.S.Nagarajan

For Respondents: Mr.R.Ravichandran
Government Advocate (Crl.Side)
for R1

Mr.L.Ramu for R2

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O R D E R

The 1st respondent Police registered a case against the petitioner based on the complaint given by the 2nd respondent in Crime No.1145 of 2014 for the offence under Section 409 IPC. The petitioner was arrayed as 2nd accused in this case. During investigation, the petitioner has filed the present petition to quash the F.I.R.

2.The case of the prosecution is that the Manager of the defacto complainant company lodged a complaint stating that one

R.Balaji, introduced himself as the owner of Enchanted Motor and he is the sales agent of the petitioner's company and promised to make arrangement to buy new cars at lowest price by participating in the bid conducted by the Mahindra and Mahindra Financial Services Limited, Chennai. By giving such false promise, the 1st accused/Balaji, received Rs.8,47,000/- from the defacto complainant by way of demand draft drawn in favour of Mahindra and Mahindra Financial Services Ltd. Thereafter, he switched off his mobile and got absconded. When the defacto complainant met him on the way and enquired about the delivery of the new cars, he threatened him with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner's Company is involved in conducting auction through M/s.Mahindra First Choice, who was incharge of the sale of used vehicles viz. cars and other vehicles through online, by inviting tenders from the interested buyers. Originally, one Balaji, who is arrayed as A1, participated in the bids conducted by M/s.Mahindra First Choice and tendered to buy two Maruthi cars and he was the successful bidder. After receipt of sale consideration, the petitioner company gave an authorization letter to him to release the above said vehicles. The learned counsel further stated the petitioner company was not aware of the transaction between the petitioner and the defacto complainant. Further the petitioner's Company received the payment for the auctioned vehicles and released the vehicles based on the identity provided by the broker. Therefore, the petitioner company has nothing to do with the present complaint. The entire allegation is against Balaji/A1 and therefore, the complaint against the petitioner is required to be quashed.

4.The learned Government Advocate (Crl.side) would submit that based on the complaint given by the 2nd respondent, the F.I.R. was registered and the investigation is at the initial stage. Only the investigation would reveal the real truth, whether the petitioner is involved in the offence or not.

5.Heard the learned counsels on either side and perused the records.

6.Though the petitioner's Company states that there is no allegation against them, but the alleged demand drafts were drawn in favour of the petitioner's company. It is also informed that investigation is at the initial stage. Only investigation would reveal the real truth whether the petitioner company is involved in the offence or not. Therefore, this Court is not inclined to quash the F.I.R. at this stage.

7.Accordingly, this Criminal Original Petition is dismissed. Since the complaint is pending from the year 2014, the 1st respondent Police is directed to complete the investigation and file a charge sheet within a period of three months from the date of receipt of copy of this order. However, the petitioner

is at liberty to take all his defense before the trial Court after filing of the charge sheet.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

rm
To

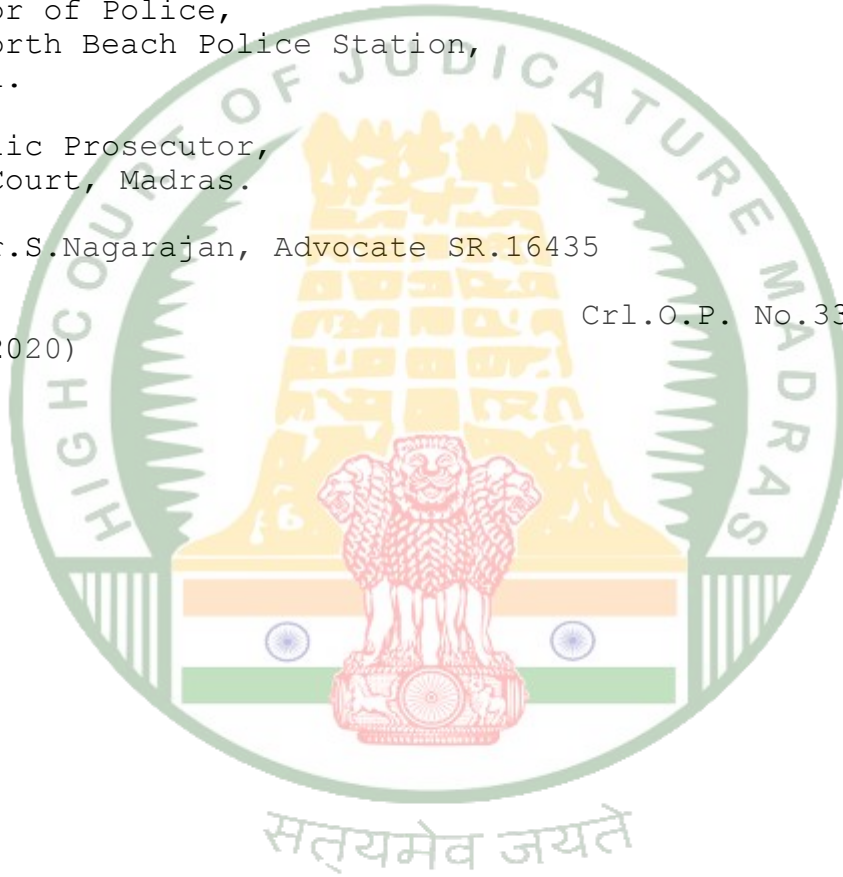
1. Inspector of Police,
B-1, North Beach Police Station,
Chennai.

2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Nagarajan, Advocate SR.16435

CB(26/05/2020)

CrI.O.P. No.33257 of 2014



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