

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.04.2021

CORAM

THE HONOURABLE MRS.JUSTICE V. BHAVANI SUBBAROYAN

Crl.O.P.No.5928 of 2016
and
Crl.M.P.Nos.3046 and 3047 of 2016

Mr.A.Murugesan

... Petitioner/Accused-3

Vs.

R.K.Baskaran

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C to call for records in C.C.No.58/2011 on the file of JM, Thambaram and quash the same, in so far as the petitioner is concerned.

For Petitioner : Mr.S.Sachin
for M/s.S.Mekhala

For Respondent : Mr.C.V.Kannan

ORDER

This Criminal Original petition has been filed to call for records in C.C.No.58/2011 on the file of JM, Thambaram and quash the same.

2. Heard both sides.

3. According to the complainant, the 1st accused herein is doing medical shop business at Poonamallee in the name and style of M/s.Muthu Medicals. Thereafter, he shifted the above business to some other locality. Thereafter the complainant was doing the same business, he agreed for the same and as per assurance given by the 1st accused the complainant and the 1st accused decided to start a new medical shop in Chrompet in a partnership manner. Accordingly, a partnership was entered by the complainant with the 1st accused in the year 1994 and both have invested Rs.15,000/- each and taken a shop at Chrompet, Chennai-44. A proper lease agreement was entered into between the complainant and the 1st accused with the 3rd accused on 19.09.1994 and also have paid a sum of Rs.7,500/- as rental advance to the landlord, the 3rd accused herein and the complainant and the 1st

accused carried the medical business in the name and style of Muthu Medicals and obtained medical licence No.DL No.815/MIV-C/20, IV-C-21, from the Assistant Drug Controller, the Director of Drug Control, Tambaram, Chennai-600 045. In the meanwhile, the complainant further invested a sum of Rs.50,000/- for the development of business. The 2nd accused who has looking after the business and subsequently fall in love with the 1st accused and married him in 1997.

4. As a dispute arise between the parties, taking advantage of the complainant not in town, the 1st accused colluded with the 2nd and 3rd accused and sold the medical shop to third parties by forging his signature and taken away all his money from the medical shop and bank and hence, the complainant made a complaint to the Chitlapakkam Police Station and to the Directorate of Drugs Controller, Tambaram but, no action was taken by the authorities. The complainant sent a complaint to the Commissioner of Police, Egmore, Chennai against the accused persons, duly received by them and no action was taken by them and hence, the complainant filed Crl.O.P.No.2858 of 2009 before this Court a direction petition and by order dated 19.02.2009, this Court has given liberty to take appropriate action in accordance with law.

5. The complainant has no remedy even though he has given complaint against the accused from the year 2000 on wards, no enquiry or investigation was made by the police which results in filing private complaint before this Court. In the above circumstances, the complainant has filed the compliant on file under Section 200 Cr.P.C., seeking for an offence under Sections 420, 468, 471, r/w.34 IPC and issue process and summons to the accused for their appearance and also for facing trial and punish them in accordance with law.

6. Immediately, the 3rd accused, namely A.Murugesan, who is the land owner of the said building is also made a party to the proceeding as accused and he filed quash petition seeking to quash the same against him in C.C.No.58/2011. It is seen from the said averments, the 3rd accused, the petitioner herein is the owner of the medical shop who let the shop to A1 and A2 and the complainant and he got nothing to do with the partnership and the 1st accused is paying rent to the petitioner herein and except for landlord and tenant relationship, there is no connection with the accused 1 and 2 and the complainant, the medical shop run by them. That the petitioner has got no knowledge about their business, the complainant had made allegation that the petitioner has colluded with the other accused and forging the signature of the complainant, the said averments can be decided by the Court below only after conducting the trial.

7. At this juncture, the petitioner is directed to appear before the Court below and proceed with the trial. The petitioner is at liberty to raise all the averments raised before this Court, before the Court below.

8. With the above direction, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

ssn/msrm

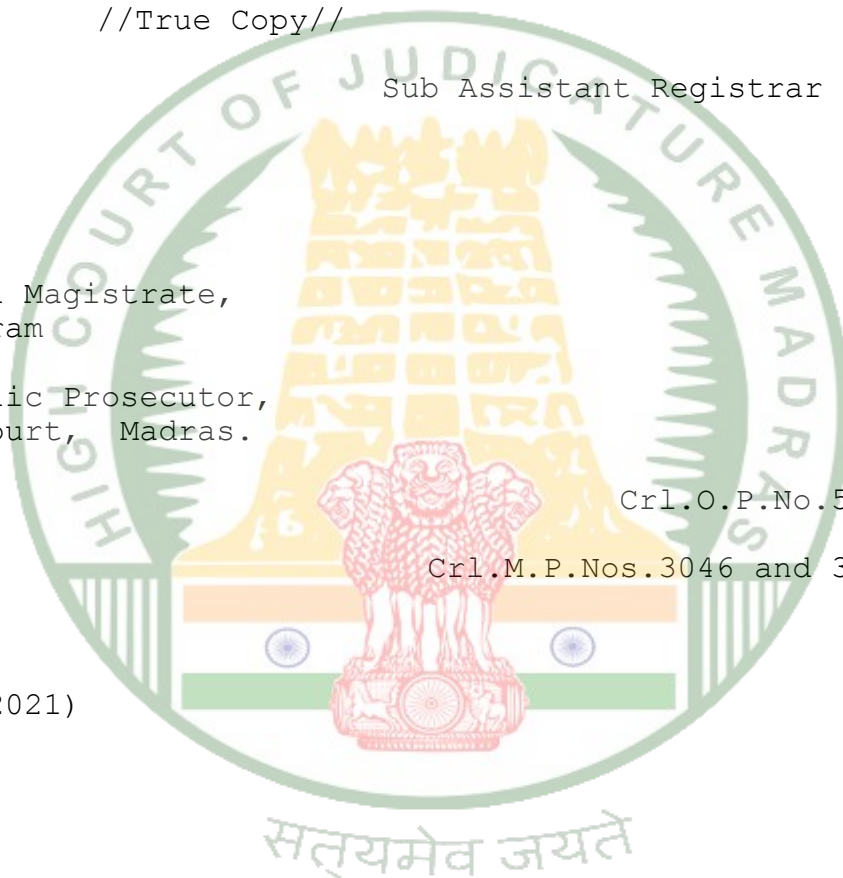
To

1.Judicial Magistrate,
Thambaram

2.The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.5928 of 2016
and
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SSN(CO)
CB(12/07/2021)



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