



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2021

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NOS.3516, 3544, 3545, 3555 & 3512 OF 2021

AND

CRL.M.P.NOS.2044, 2046, 2080, 2081,
2082, 2083, 2085, 2086, 2042 & 2043 OF 2021

Girish Babulal Shah

... Petitioner
(in all Crl.O.P.Nos.)/Accused No.4

Vs.

Vivriti Capital Private Ltd.,
Represented by its
Power of Attorney Ms.Vamsi Vasudevan,
12th Floor, Prestige Polygon,
No.471, Anna Salai,
Nandanam,
Chennai - 600 035.

... Respondent
(in all Crl.O.P.Nos.)/Complainant

COMMON PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records in C.C.Nos.30 to 34 of 2020 respectively pending trial on the file of the XVIII Metropolitan Magistrate, Saidapet, Chennai and quash the same.

For Petitioner : Mr.K.P.Anantha Krishna
(in all Crl.O.P.Nos.)

For Respondent : Mr.R.Palaniandavan for
(in all Crl.O.P.Nos.) Mr.P.Giridharan

COMMON ORDER

These Criminal Original Petitions filed to call for the records in C.C.Nos.30 to 34 of 2020 respectively pending trial on the file of the XVIII Metropolitan Magistrate, Saidapet, Chennai and quash the same.

2.Since the petitioner and the respondent are one and the



same and the issue arising out in these Criminal Original Petitions are of same cause of action and hence, a common order is being passed.

3.The petitioner is A4 in all the Criminal Original Petitions. The respondent had filed a complaint under Section 25 of Payment and Settlement System Act read with the Provisions contained in Chapter XVII of the Negotiable Instruments Act, 1881.

4.The contention of the petitioner is that the admitted case of the respondent/complainant is that the second and third accused on behalf of the first accused approached the complainant company and represented that the first accused is a Non-Banking Finance Company providing comprehensive financial assistance and solutions mainly to the needs of SMEs and MSMEs. The second and third accused representing the first accused and with the knowledge and consent of the fourth and fifth accused approached the complainant's company for a financial assistance of Rs.20,00,00,000/- (Rupees Twenty Crores Only), in order to meet their general corporate needs and there is no other material in the complaint.

5.The learned counsel appearing for the respondent/complainant intends filling a memo stating that he intends to withdraw the complaint as regards A4 alone by filing a petition under Section 257 Cr.P.C.

6.Considering the submission and the consent given by the respondent/complainant to withdraw the case as against A4 alone, without going into the merits of the cases, this Court is inclined to quash the proceedings in C.C.Nos.30 to 34 of 2020 on the file of the XVIII Metropolitan Magistrate Court, Saidapet, Chennai as against A4 alone.

7.Accordingly, these Criminal Original Petitions stand allowed and the proceedings in C.C.Nos.30 to 34 of 2020 on the file of the XVIII Metropolitan Magistrate Court, Saidapet, Chennai as against A4 alone are quashed, on the terms of memos filed on behalf of the respondent/complainant, which shall form part and parcel of this order.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. The XVIII Metropolitan Magistrate,
Saidapet, Chennai.

WEB COPY

+1cc to Mr.K.P.Anantha Krishna, Advocate, S.R.No.39799

CrI.O.P.Nos.3516, 3544, 3545,
3555 & 3512 of 2021

and

CrI.M.P.Nos.2044, 2046, 2080,
2081, 2082, 2083, 2085, 2086,
2042 & 2043 of 2021

AK (CO)
PM(25/08/2021)