

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Cr1.O.P.No.21767 of 2018

Mr.Venkatasubramanian Krishnan

...Petitioner/Accused

Vs.

1. State Rep. By
The Inspector of Police,
R1 Mambalam Police Station,
T.Nagar, Chennai 600 017
2. State Rep by
The Inspector of Police,
R4- Soundara pandiyanar P.S.Crime
T.Nagar,
Chennai 600 017

...Respondents/Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records on the file of the 2nd respondent and quash the summons dated 21.08.2018 under Section 160 and 91 of Cr.PC.

For Petitioner : Mr.V.V.Sairam

For Respondents : Mr.C.E.Pratap
Government Advocate (Cr1.Side)

O R D E R

This Criminal Original Petition has been filed to call for the records on the file of the 2nd respondent and quash the summons dated 21.08.2018 under Section 160 and 91 of Cr.PC.

2. The case of the petitioner is that earlier he was working in U.S.A., and during the said period, he had business transactions with Atlantic Broad Bank (ABB) through Mohan Rao in the year 2012. Thereafter, there was no contact with him. All of a sudden, he received summons under Section 160 and 91 Cr.P.C. from the Deputy Commissioner of Police, T.Nagar, Chennai 600 017, to attend an enquiry in connection with a complaint given by the said Mohan Rao, with regard to certain business

transaction in U.S.A. The petitioner, as a law abiding citizen, had appeared before the said official and after thorough enquiry and explanation, the matter was closed. Even thereafter, to the shock and surprise of the petitioner, he received another summons dated 21.08.2018 under Sections 160 and 91 Cr.P.C. from the 2nd respondent, to appear on 24.08.2018, in connection with the another complaint dated 27.10.2021 given by the same person.

3. It is alleged by the petitioner that after verification, it came to light that the defacto complainant, suppressing his earlier complaint dated 19.10.2017, which was closed earlier, gave a fresh complaint to the 1st respondent and also moved CrI.O.P.No.23945 of 2017, before this Court to register the complaint and the said petition was allowed on 08.11.2017 and certain directions were issued to the official respondents therein. In compliance of the said order, the 2nd respondent has issued summons to the petitioner herein. Aggrieved by the same, the present petition is filed.

4. The learned counsel appearing for the petitioner submitted that admittedly the complaint given by the defacto complainant dated 19.10.2017 to the Deputy Commissioner of Police was closed as early as on 27.10.2017. Suppressing the said closure of the earlier complaint, the second complaint was filed on 26.10.2017. In order to overcome the closure order passed by the Deputy Commissioner of Police, T.Nagar, the defacto complainant deliberately ante-dated his 2nd complaint as 26.10.2017 and therefore, the complaint itself is non-erist in law. However, the learned counsel appearing for the petitioner further submitted that it would suffice if this Court issues direction to the petitioner to place all the materials before the 2nd respondent to disprove the case of the defacto complainant and may direct the 2nd respondent to consider the documents produced by the petitioner and to pass appropriate orders in accordance with law.

5. The learned Government Advocate (CrI.Side) submitted that if the petitioner submits necessary documents before the law enforcing agency, the same will be disposed of in accordance with law.

6. This Court has considered the rival submissions and also perused the materials placed before it.

7. Considering the limited prayer sought for by the petitioner, this Court, without going into the merits of the claim of the petitioner, grants liberty to the petitioner to place the entire materials to disprove the case of the defacto complainant, before the 2nd respondent law enforcing agency at the time of enquiry and directs the 2nd respondent to consider

the documents produced by the petitioner and pass appropriate orders in accordance with law.

8. This Criminal Original Petition is disposed of with the above observation. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
R1 Mambalam Police Station,
T.Nagar, Chennai 600 017
2. The Inspector of Police,
R4- Soundara pandiyanar P.S.Crime
T.Nagar, Chennai 600 017
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.V.V.Sairam, Advocate, S.R.No.49826

Crl.O.P.No.21767 of 2018

SSV[co]
NSK 17/11/2021