

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.6679 of 2021

and

Crl.M.P.Nos.4044 & 4455 of 2021

Vishal Jagdishbhai Barot

... Petitioner/2nd Accused

Versus

1.The State,
Represented by
The Inspector of Police
DCB, Namakkal District. ...Respondent

2.Balakrishnan KP
Proprietor of Balu Fabrics
No.50, Bye Pass Road,
Pallipalayam,
Namakkal District. ...2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in FIR in Crime No.22 of 2020 pending on the file of the Inspector of Police, DCB, Namakkal District and quash the same as against the petitioner.

For Petitioner : Mr.K.Jaganathan for
M/s.Anil Relwani

For Respondents: Mr.M.Mohamed Riyaz for R1
Additional Public Prosecutor

ORDER

This petition has been filed to call for the records in FIR in Crime No.22 of 2020 pending on the file of the Inspector of Police, DCB, Namakkal District and quash the same as against the petitioner.

2. The petitioner is the second accused in Crime No.22 of 2020, for the offence under Sections 406, 420, 506(i) and 120B IPC has filed this quash petition.

3. The contention of the petitioner is that the petitioner has been wrongly arrayed as accused in this case. The petitioner was employed as a 'Purchase Manager' at M/s.Veer

Textile, a proprietary concern from 22nd December, 2018 onwards. One Mr.Dhaval Kumar Bachubhai Raval is the proprietor of the said M/s.Veer Textile. The defacto complainant used to supply raw material for stitching clothes to the said M/s.Veer Textile and further the defacto complainant used to communicate directly to the said Dhaval Kumar Bachubhai Raval with regard to the payment and any other matter. The petitioner is only a paid manager in the said Company and he has no knowledge regarding alleged outstanding payment. Further in the GST certificate of M/s.Veer Textile, Dhaval Kumar Bachubhai Raval is mentioned as Proprietor. He further submitted that he has been forced by the respondent police to pay a sum of Rs.20 lakhs. Later, the respondent police had issued 41A of Cr.P.C., notice directing the petitioner to appear on 16.02.2021 and prior to that amount of Rs.20 lakhs was handed over to the defacto complainant.

4. The learned Additional Public Prosecutor has submitted that the investigation has commenced. The allegation is that on false promise, the petitioner misappropriated several lakhs from the de-facto complainant and investigation is going on. The contention of petitioner would be considered then. He further submitted that on completion of the investigation, the final report will be filed in this case.

5. At this juncture, the learned counsel for the petitioner sought a direction to stay the investigation of the respondent Police.

6. Considering the rival submission and on perusal of the materials it is seen that the petitioner has been issued with 41A Cr.P.C., notice on 11.01.2021 for his appearance on 16.02.2021 for enquiry. It is clear that the respondent police does not intend to harass the petitioner. In view of the same, the petitioner is directed to appear before the respondent Police as and when required for enquiry complying the conditions in the 41A Cr.P.C. notice. This Court directs the respondent police to complete the investigation within a period for three months from the date of receipt of a copy of this order.

7. With the above direction, this Criminal Original Petition is disposed of. Consequently, connected Miscellaneous Petitions are also closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The Inspector of Police
DCB, Namakkal District.

2.The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.6679 of 2021
and

Crl.M.P.Nos.4044 & 4455 of 2021

SSN(CO)
SP(05/07/2021)



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