

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.7032 of 2021 and
Crl.M.P.Nos.4683 of 2021

Harshit Sharma

... Petitioner/Accused

Versus

1. The State, Represented by
The Inspector of Police, L&O
B-2, Esplanade Police Station,
Chennai 600 104.

..1st respondent /
Complainant

2. Capt. V.J.Pushpa Kumar

2nd respondent/
Defacto complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in F.I.R.No.1689 of 2020 dated 20.10.2020 on the file of the 1st respondent police and quash the same.

For Petitioners

:Mr.S.Senthil for
Mr.AAV Partners

For Respondents

:Mr.Mohammed riyaz
Additional Public prosecutor
for R1
Mr.Rahul Krishnan for R2

ORDER

This Criminal Original petition has been filed to quash the F.I.R. in Crime No.1689 of 2020 dated 20.10.2020 on the file of the 1st respondent police.

2. The petitioner was the General Manager of Institute of Logistics Pvt Ltd. The defacto complainant is its founder and president. The case of the prosecution is that the petitioner had joined in the institute in the year 2008 as Accounts executive and by showcasing his continuous growth and commitment to excellence, he was subsequently promoted as Assistant General Manager and General Manager / Secretary. While the petitioner

was holding the position of General Manager, he was absconded and his whereabouts were not able to identify. Suddenly, the audit team of the management observed certain anomalies in the accounts and also found that the company credit cards were used for personal transactions by the petitioner, which was unapproved by the management. A complaint has also been given against the petitioner for misappropriation of company funds before the respondent police. An FIR came to be registered against the petitioner under Section 408 and 420 of IPC in Crime No.1689 of 2020 dated 11.03.2019. Challenging the said FIR in Crime No.1689 of 2020, the petitioner has filed this Criminal original petition.

3. The learned counsel for the petitioner submitted that he has been falsely implicated in this case and the respondent police is not proper in conducting the investigation and therefore, the learned counsel for the petitioner requested this Court to transfer the investigation to CCB, CBCID cases, Egmore. The learned counsel further submitted that there are no prima facie materials to sustain an offence under section 420 and 408 of IPC against the petitioner.

4. The learned Additional Public prosecutor submitted that an FIR has been registered only on 20.10.2020. Investigation has been commenced and the statement of accounts has been requested both from the Bank as well as from the Defacto complainant.

5. Taking into consideration the facts and circumstances of this Case, this Court is inclined to transfer the case Crime No.1689 of 2020 from the file of 2nd respondent to the file of CCB, CBCID Case, Egmore. The Deputy Commissioner of Police, Chennai, shall allot the case to the appropriate team concerned and the said team shall complete the investigation within a period of six weeks from the date of receipt of copy of this order. The learned counsel for the petitioner apprehends that the observation made herein might affect his legal right and it is made clear that the observation made is only for the narration of the case and nothing more. This Criminal Original Petition is disposed of accordingly. Consequently, the connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(L.A)

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Sub Assistant Registrar

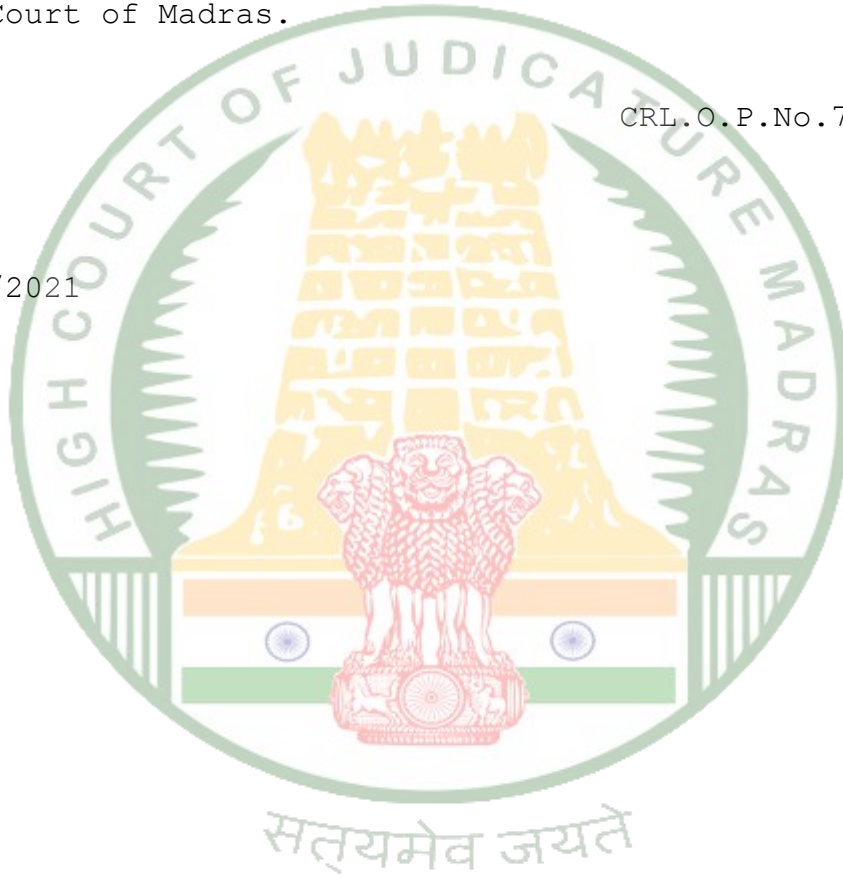
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To

1. The Deputy Commissioner of Police,
Chennai.
2. The Inspector of Police, L&O
B-2, Esplanade Police Station,
Chennai 600 104.
3. The Additional Public Prosecutor,
High Court of Madras.

CRL.O.P.No.7032 of 2021

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