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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.11378 OF 2021

1. S. Kuthubudeen
Director of M/s.FMW Automotive Pvt. Ltd.,
Having Office at No.248/4A1, Eash Coast Road,
Arambakkam Village, Vengambakkam,
Chengalpattu District - 603 102.
2. Suresh Kumar
Director of M/s.FMW Automotive Pvt. Ltd.,
Having Office at No.248/4A1, Eash Coast Road,
Arambakkam Village, Vengambakkam,
Chengalpattu District - 603 102.

... Petitioners

Versus

1. The Superintendent of Police,
Chengalpattu District,
Chengalpattu.
2. The District Crime Branch,
Chengalpattu District,
Chengalpattu.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to issue a direction directing the respondent police from harassing the petitioners under the guise of enquiry.

For Petitioners: Mr.K. Sahithya

For Respondent : Mr.A.Damodaran,
Government Advocate (Crl.Side)

ORDER

This petition has been filed to issue a direction directing the respondent police from harassing the petitioners under the guise of enquiry.



2. The petitioners are the Director of M/s.FMW Automotive Pvt. Ltd., and he has filed this petition seeking not to harass by the respondents.

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3. The petitioners sent a complaint to the first respondent on 21.06.2021. In the typed set of papers, MOU dated 03.07.2019 signed by the petitioners and one Chandrasekar and Subramani, legal notice to Chandrasekar and the representation sent to the respondents are produced. From the complaint, it is seen that the petitioners had entered into a business agreement with one Chandrasekar and Subramani and in turn, the said Subramani transferred a sum of Rs.28,00,000/- and Chandrasekar transferred a sum of Rs.15,00,000/- as investment in the said business. In the meanwhile, the petitioners had invested the entire amount in putting up infrastructure for the business. Contrary to the said business agreement, the said Chandrasekar and Subramani demanded the petitioners to repay the entire amount. Hence, conciliation was conducted between them, but it failed. Thereafter, the petitioners entered into another agreement with them on 03.07.2019, promising to repay the amounts within a period of two years. Further, he submitted that due to the Pandemic situation, he was unable to make the payment as promised. The said Chandrasekar and Subramani sent Goondas and rowdy elements to the petitioners' office premises and to their residence. Therefore, the petitioners sent a legal notice on 09.02.2021 to Subramani desisting them from sending Goondas.

4. The learned counsel for the petitioners submitted that as per the agreement, petitioners undertook to repay the amount within a period of one year. This one year delay is due to the unexpected Pandemic situation and the business could not be carried on as projected.

5. The learned Government Advocate (Crl.Side) submitted that the said Subramani had lodged a complaint against the petitioners stating that they have cheated to the tune of Rs.43,00,000/-. Hence, the petitioners were called for enquiry, but they failed to appear for enquiry and filed this petition.

6. Considering the submissions and perused the materials, it is seen that it is a business dispute between the petitioners and the counter complainant viz., one Chandrasekar and Subramani. Due to the Pandemic situation, the petitioners are unable to repay the amount and hence, they now undertake to repay the said amount within an extended period of one year.

7. In view of the same, the respondent police are directed to not to harass the petitioners under the guise of enquiry, since it is purely a private commercial transaction.



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8. With the above observation and direction, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar (CS-II)

// True Copy//

Sub Assistant Registrar

dna

To

1. The Superintendent of Police,
Chengalpattu District,
Chengalpattu.
2. The District Crime Branch,
Chengalpattu District,
Chengalpattu.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.K. Sahithya , Advocate, SR.No.32304

CRL.O.P.No.11378 of 2021

NR(CO)
RLP(02/08/2021)