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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.12.2021

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

CrI. O.P. No. 4561 of 2017
and
CrI.M.P.Nos.3427 of 2017

1. M/s.Dhanam Housing Private Limited
Rep. By its Directos,
Plot No.23, 17th Main Road,
Anna Nagar,
Chennai-600 040
 2. Mrs.D.Janaki
 3. S.K.Aswin Siddharth ..Petitioners/Accused
- Versus
- V.K.S./Subash ...Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C. to call records to call for the records pending on the file of the learned Metropolitan Magistrate, Egmore, Chennai(Allikulam, Commercial Complex, Moore Market, Chennai) in C.C.No.6081 of 2016 and quash the same.

For Petitioners: Mr.E.Kannadasan

For Respondent : Mr.R.Karthikeyan

O R D E R

This Criminal Original Petition has been filed to call for the records pending on the file of the learned Metropolitan Magistrate, Egmore, Chennai(Allikulam, Commercial Complex, Moore Market, Chennai) in CC.No.6081 of 2016 and quash the same.

2. The case of the defacto complainant is that the 2nd and 3rd petitioners approached the defacto complainant by introducing themselves as if they are the directors of the 1st petitioner's company and borrowed a sum of Rs.78,75,000/-.

3. The main contention of the learned counsel for the



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petitioners is that the amount has already been paid by way of demand draft, drawn at Yes Bank dated 18.02.2017, whereas, learned counsel for the respondent submitted that it has to be verified and the same has to be recorded before the Trial Court.

4. This Court has perused the entire materials available on record. If really the amount has been paid by the petitioners, the petitioners are at liberty to file a compounding petition, for which, the respondent should cooperate with the petitioners. On such application, the Trial Court is directed to dispose of the main petition within a period of one(1) month from the date of filing of such application.

5. Accordingly, this Criminal Original Petition is dismissed. It is for the petitioners to take all their defence before the trial Court. Consequently, connected Criminal Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

msv

To

The Judge,
Metropolitan Magistrate at Egmore,
Chennai

+1cc to Mr.Kannadasan, Advocate, S.R.No.62694

+1cc to Mr.R.Karthikeyan, Advocate, S.R.No.62446

Crl. O.P. No. 4561 of 2017
and
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PL(CO)
RGA(30/12/2021)