



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

CrI.O.P.No.18540 of 2017 &
CrI.M.P.No.11279 of 2017

M.Bavika Jain

...Petitioner

Vs

1. The State represented by
The Inspector of Police,
C-1 Mamallapuram Police Station,
Mamallapuram, Kancheepuram District.
[Crime No.51 of 2015]
2. M.Sukumar Reddy,
Managing Director,
M/s.Anush Infrastructure Private Limited,
No.2/1, Abu Garden, Rajiv Gandhi Salai,
OMR Road, Navalur, Chennai - 600 0130,
Kancheepuram District.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in Crime No.51/2015 on the file of the first respondent and quash the same.

For petitioner : Mrs.ARL. Gandhimathi

For Respondents: R.Kishore Kumar,
Government Advocate [Criminal Side] - R1
Mr.P.Subba Reddy - R2

O R D E R

This petition has been filed to quash the First Information Report registered in Crime No.51 of 2015 on the file of the first respondent for the offences under sections 420, 465, 468 read with 120 [B] IPC.

2. The crux of the allegations in the First Information Report is that the immovable property belong to the defacto complainant company. Whereas, one of the Director, one Venkataramana Reddy in collusion with the petitioner and other accused had entered into a sale agreement in respect of the property belonging to the company and got registered the



property in the name of the petitioner herein showing a cash payment of Rs.3 crores. Thereby, the accused had committed the aforesaid offences.

3. The learned counsel appearing for the petitioner mainly contended that it is a purely civil matter and infact the company itself has authorised the said Venkatramana Reddy for the sale transaction and only on the basis of the same, the documents have been executed.

4. Whereas, the learned counsel appearing for the second respondent disputing the same submitted the very resolution said to have been passed by the company itself is a result of forgery by the said Venkatramana Reddy.

5. As the issue revolves around the resolution passed by the company, if the resolution is passed validly authorising one of its Director, then this Court is of the view that any transaction pursuant to such resolution can be assailed only in a civil Court. Otherwise, if the resolution is found to be fabricated as contended by the learned counsel for the first respondent, criminal prosecution is automatic, to unearth all the facts and the prosecution has to continue its investigation and file a report before the concerned court. In such view of the matter, this Court cannot quash the First Information Report at this stage.

6. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

vrc / kbs

To

1. The Inspector of Police,
C-1 Mamallapuram Police Station,
Mamallapuram, Kancheepuram District.

2. The Public Prosecutor,
High Court, Madras - 104.

+1cc to M/s.A.L.Ganthimathi, Advocate, S.R.No.66420

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KG(CO)

RGA(23/12/2021)