



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CRL.O.P.NO.27102 OF 2018

AND

CRL.M.P.NO.15655 OF 2018

Anantharaman

... Petitioner/
4th Accused

Vs.

1. State Rep. By
Sub Inspector of Police
Cyber Crime Cell
Central Crime Branch
Egmore, Chennai - 8.

... 1st Respondent/
Complainant

2. Abdul Kadar Tajudeen

... Respondent/
Defacto Complainant

Prayer:

This Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records relating to the charge sheet in C.C. No. 3317 of 2017 on the file of the Metropolitan Magistrate, CCB & CBCID Court, Egmore at Allikulam, Chennai quash the same.

For Petitioner : Mr.S.Doraisamy

For Respondents : Mr.C.E.Pratap (For R1)
Public Prosecutor

ORDER

***The petitioner has filed this petition seeking to call for the records relating to the charge sheet in C.C.No.3317 of 2017 on the file of the Metropolitan Magistrate, CCB and CBCID Court, Egmore at Allikulam, Chennai and to quash the same.**

2.The facts of the case is that on 04.06.2010 one Abdul Kadir Tajudeen lodged a complaint before the Commissioner of Police, Chennai, alleging that he had a joint NRI account (A/c



No.602501200242) along with his wife Tajudeen Regina Begum in ICICI Bank in Purasaiwalkam. He is provided with a debit card bearing No.4213 9560 2590 0596 and was working as a Lead Processing Engineer in Qatar. On 01.06.2010, the complainant found that a sum of Rs.2,15,190/- had been debited from his account through various transactions from 22.05.2010 to 01.06.2010 without his knowledge. Based on his complaint, a case in X Cr.No.364 of 2010 for the offence under Section 420 of IPC was registered by the first respondent. Thereafter, the first respondent took up the investigation and after investigation filed final report as against the accused for the offence under Sections 381, 419, 420, 465, 468, 471 r/w 120(b) of I.P.C. before the learned Metropolitan Magistrate, CCB and CBCID Court, Egmore @ Allikulam, Chennai and the same was taken on file as C.C.No.3317 of 2017. Seeking to quash the proceedings in C.C.No.3317 of 2017, the petitioner has filed this petition.

3.The learned counsel appearing for the petitioner submitted that during the pendency of this petition, the petitioner and the defacto complainant entered into compromise by settling the dispute and the defacto complainant sent letter to the law enforcing agency that he is not inclined to pursue the case, however, the law enforcing agency did not withdraw the case pending before the trial Court. Hence, this Court may issue direction to the law enforcing agency to make appropriate application before the trial Court for withdrawal of the complaint.

4.The learned Government Advocate (Crl. Side) submitted that based on the complaint made by the defacto complainant, the law enforcing agency registered the case and after investigation filed final report before the trial Court and subsequently, if any letter is received from the defacto complainant, it has to be placed before the trial Court and the law enforcing agency has no power for making application for withdrawal of the complaint. The power is vested with the State Government and even the State Government cannot withdraw the complaint without consultation of the learned Public Prosecutor and approval from the competent Court. Hence, if any letter was received by the law enforcing agency from the defacto complainant, the same will be placed before the trial Court at the time of trial.

5.Though several grounds have been raised in this petition, the issue involved in the case is disputed question of fact, which has to be decided by the trial Court. Hence, this Court



is not inclined to grant the relief sought for in this petition. However, liberty is granted to the petitioner as well as the defacto complainant to file appropriate petition before the trial Court to work out the remedy in the manner known to law. If any such petition is filed, the trial Court shall consider the same and pass appropriate orders, in accordance with law, as expeditiously as possible.

6.At this juncture, the learned counsel appearing for the petitioner prays that the appearance of the petitioner before the Trial Court may be dispensed with.

7.Considering the request made by the learned counsel appearing for the petitioner, the appearance of the petitioner before the Trial Court is dispensed with. However, this order will not stand on the way of the Trial Court to insist for the appearance of the petitioner for receiving copies under Section 207 of Cr.P.C., framing of charges, questioning under Section 313 of Cr.P.C. and judgment and as and when the Trial Court feels it necessary.

8.With the above observations, this criminal original petition is disposed of. Consequently, the connected miscellaneous petition is closed."

Sd/-

Assistant Registrar(CS VII)
dated.16.12.21

*Amended as per order of
this Court dated 07.12.21
and made in CRL.O.P.NO.27102 OF 2018
AND CRL.M.P.NO.15655 OF 2018

-s/d-

Sub Assistant Registrar(co II)
dt.15.12.2021

//True Copy//

Sub Assistant Registrar

rli



To

1. The Metropolitan Magistrate,
CCB & CBCID Court,
Egmore, Allikulam,

Chennai.

2. The Sub Inspector of Police
Cyber Crime Cell
Central Crime Branch
Egmore, Chennai - 8.

3. The Public Prosecutor,
Madras High Court.

to be substituted the order
already despatched on **06.12.21**

+lcc to Mr.S.Doraisamy, Advocate, S.R.No.***64661**

Crl.O.P.No.27102 of 2018
and
Crl.M.P.No.15655 of 2018

SJ(CO)
PM/22/11/2021
A.SK(17.12.2021)