



Crl.O.P.No.2423 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Orders RESERVED ON : 28.06.2022

Orders DELIVERED ON : 14.07.2022

CORAM

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

Crl.O.P.No.2423 of 2016

and

Crl.M.P.Nos.1277 and 1278 of 2016

R.Basheeruddin

... Petitioner/A8

Vs.

1. State

Rep.by Inspector of Police,
District Crime Branch,
Kancheepuram District.
F.I.R.No.36/2013

...Respondent/Respondent

2. Salcomp Manufacturing India Private Limited,

Represented by Vipin Warriar,
Group Legal Counsel,
Nokia Telecom SEZ,
SIPCOT Industrial Park, Phase – III,
National Highway No.4,
Sriperumpudur – 602 105

...Respondent/Complainant

PRAYER: Criminal Original Petition has been filed under Section 482 of Cr.P.C, to call for the records in charge sheet in C.C.No.262 of 2015 on the file of the learned Judicial Magistrate, Sriperumpudur, Kancheepuram District and quash the same.



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For Petitioner : M/s.Reshmi Christy
for M/s.Royan Law Associates

For R1 : Mr.C.E.Pratap,
Government Advocate (Crl.Side)

For R2 : M/s.AAV Partners

ORDER

The 8th accused is the petitioner herein.

2. The second respondent herein is the defacto-complainant in Crime No.36/2013 on the file of the first respondent herein.

3. The defacto-complainant lodged a complaint in the District Crime Branch in the above stated number alleging that the first accused was appointed as a Manager in Human Resource Department and all the accused involved against the Company and unlawfully activity and in collusion with each other with respect to service including transport and services created false invoice records in transport bills and manpower supply in bills. Thereby, they manipulated and showed the kilometers in excess thereby caused Rs.4,23,709/- loss to the complainant and the same was registered as Crime No.36 of 2013. After investigation, charge sheet has been filed



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before the Magistrate Court for alleged offence under Sections 120 (b), 406, 420, 468 and 477(A) I.P.C. The same was taken on file in C.C.No.262 of 2015.

4.The petitioner/8th accused has filed the above application to quash the proceedings on the ground that a complaint has been lodged after 3 years. The alleged misappropriation is of the year 31.10.2010 and the complaint was given on 13.05.2013 the overt act of the petitioner/accused (A8) is that the colluded with other accused and created a false invoice records in transport bills and manpower supply bills. He had manipulated and showed the kilometers in excess that it existed that has caused Rs.4,23,709/- loss to the complainant company. It is further submitted that the above bills were created by A8 which specifically shows his overt act to the alleged of the case.

5. After perusing the list of witnesses Viple Warrior/L.W.1, I find that there is a specific overt act alleged against the petitioner herein that he has a criminal conspiracy with first accused-Victor Rajpandiyam and third accused-Ravi, S/o.Sivalingam and in furtherance of such a criminal conspiracy, they arranged transport vehicle as if the bus has carried the employees from Pattabiram, Tirumazhisai, Perambakkam, Karukupettai, Walajapat, Kanchipuram bus stop as if



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the vehicle ran the distance of overt act and manipulated the kilometre by creating false and fabricated invoice and claimed Rs.4,23,709/- and hence, the statement recorded from the defacto-complainant has given a clear prescription that manipulation has taken place.

6. In view of the sufficient materials available on record to proceed with this petitioner/8th accused, I find that there is no abuse of process of law as alleged by the petitioner herein. There is sufficient material available on record to proceed against the petitioner herein and hence, this Criminal Original Petition is dismissed. Consequently, connected Crl.M.Ps are closed.

14.07.2022

nvi
Internet : Yes

To

1. The Inspector of Police,
District Crime Branch,
Kancheepuram District.
2. The Public Prosecutor,
High Court, Madras.



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RMT.TEEKAA RAMAN,J.,

nvi

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