



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.06.2022

CORAM:

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

Crl.O.P.No.16921 of 2019
and
Crl.M.P.No.8515 of 2019

B.N.Murthy @ B.Narayana Murthy ..Petitioner

Vs.

1.The State rep. by
The Inspector of Police,
Central Crime Branch,
Vepery, Chennai-600 007.

2.Selvmani.K.K ..Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records in connection with the case in Crime No.463 of 2018 pending on the file of the Central Crime Branch, Vepery, Chennai and quash the same.

For Petitioner : Mr.P.S.Amalraj

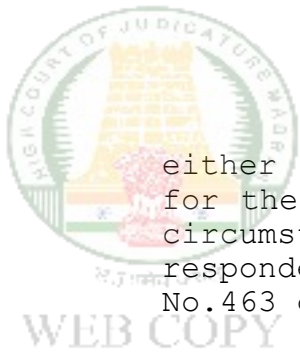
For R1 : Mr.N.S.Suganthan,
Government Advocate (Crl. Side)

For R2 : No appearance

O R D E R

Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) for the respondent.

2. The petitioner herein is an accused in a complaint given by one Selvamani, alleging that the petitioner herein posing himself as business magnet having 100 acres of valuable land and intends to use the land to promote coal based power project had enticed the defacto complainant to part away with Rs.10 crores under the pretext of getting necessary licence to commence the power project. Believing his words, the defacto complainant has parted away Rs.10 crores and taken the title document of 100 acres of land as security. Within few months, the petitioner, under the pretext of getting licence and other clearance, has taken back the original documents. Thereafter,



either he has returned the sum of Rs.10 crores or co-operated for the establishment of the proposed power project. In the said circumstances, the complaint has been lodged before the respondent police and the same has been taken on file in Crime No.463 of 2018.

3. The learned counsel for the petitioner would submit that the money was received by the petitioner herein has been spent for getting No Objection Certificate from the Airport Authority for height clearance, environmental agency and other authorities. While so, there is no element of cheating in the alleged complaint.

4. However, the learned Government Advocate (Crl. Side) would state that the petitioner herein is absconding and not cooperated with the investigation inspite of summons issued to him to appear under Section 41(A) Cr.P.C. and he is still absconding and not available for investigation.

5. The learned counsel for the petitioner would state that since the Court has stayed the investigation, the petitioner did not respond to the summons issued under Section 41(A) of Cr.P.C..

6. Be that as it may. The pleadings of the First Information Report indicates prima facie case against the petitioner. Unless and until, the petitioner cooperates with the investigation and place the documents to prove that it is a civil transaction and no criminal offence has been made out, at the stage of investigation, the Court cannot interfere to quash the First Information Report.

7. In view of the fact that there is a clear material to show that the petitioner herein received a sum of Rs.10 crores through bank transaction and admitted the same, there is no proportionate quid pro quo on his part. Hence this Criminal Original Petition is dismissed. Consequently, the connected Criminal Miscellaneous Petition is also dismissed.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

rpl



To

1.The Inspector of Police,
Central Crime Branch,
Vepery, Chennai-600 007.

2.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.V.Thillaikumar, Advocate, S.R.No.34907

+lcc to Mr.P.S.Amalraj, Advocate, S.R.No.33956

Crl.O.P.No.16921 of 2019
and Crl.M.P.No.8515 of 2019

SKM(CO)
SB(23/06/2022)