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Crl.O.P No.21729 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2022

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THE HONOURABLE Ms. JUSTICE R.N.MANJULA

Crl.O.P No.21729 of 2019
and
Crl.M.P No.11283 of 2019

1.S.Mohammed Khalid
2.M.Muthukumar

... Petitioners

Vs.

1.The State Rep. By
The Inspector of Police
Central Crime Branch I
Chennai-CCB
Chennai.

2.Thirumurugan

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to call for the records pertaining to FIR in Crime No.153 of 2019 dated 06.05.2019 pending investigation on the file of the respondent no.1 and quash the same against the petitioner (A4 & A8).

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.A.Damodaran - R1
Additional Public Prosecutor
Mr.N.Palanikumar



For Mr.P.Kannan Kumar - R2

ORDER

WEB COPY This Criminal Original Petition has been preferred, seeking to call for the records pertaining to FIR in Crime No.153 of 2019 dated 06.05.2019 pending investigation on the file of the 1st respondent and quash the same.

2. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the 1st respondent and also the learned counsel for the 2nd respondent.

3. The petitioners are arrayed as 4th and 8th accused respectively in this case; the 2nd respondent/de-facto complainant is an Engineering Graduate, who involved himself in the research of Gasification Method which is used as a fueling gas to burn dead bodies in cremation centres; the above fuel generated through Gasification Method is an alternate for electricity or petroleum fuel; the 2nd respondent/de-facto complainant got it introduced in India at Madurai Corporation and he was successful across Tamil Nadu; he established the said centres in atleast 120 places across Tamil Nadu; the 1st accused was working under the de-facto complainant from the year 2015 as



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an Office Assistant; during October 2014, the de-facto complainant had undergone a cardiac surgery and subsequently, he was taking medical treatment; the 1st accused had taken advantage of the medical condition of the de-facto complainant and joined hands with the other accused and started a fake letter pad of a company by giving the address as 16/52, New Door No.106, Nehru Street, Jaihindpuram, Madurai and fraudulently obtained a license from the Chennai Corporation; he misrepresented that the said letter pad company is a sister concern of the company of the de-facto complainant; by taking advantage of the contract works undertaken by the 2nd respondent company, the 1st accused managed to quote highest price for the tenders submitted in the name of the 2nd respondent's company; he quoted lower rate in the name of his letter pad company; thus, got all the orders and executed the same through the investment made by the de-facto complainant and thereby got the money out of the orders and credited them in his account and deposited the same in the accounts of the other accused; he also falsified the accounts of the 2nd respondent company and thereby enriched himself unlawfully.

4. The learned counsel for the petitioners submitted that so far as the



petitioners are concerned, there is no overt act attributed against them; the only allegation stated against the petitioners in the FIR is that the amount for maintenance given to the 1st accused namely Rahman by the de-facto complainant was shared by the petitioners and other accused; the said allegation is not only false but also absurd and vague; even if it is taken on its entirety it does not made out any cognizable offence against the petitioners.

5. The learned Additional Public Prosecutor submitted that the 1st accused along with other accused have hatched a conspiracy between themselves and committed all fraudulent activities by taking undue advantage of the exposure, the 1st accused had with the 2nd respondent's company and he amassed several lakhs of money; only if the investigation is allowed to continue, the actual involvement of the each of the accused would come to light and hence, the petition should be dismissed.

6. The petitioners are named accused in the FIR. There are specific averments made against the petitioners that they had hatched a conspiracy among themselves in order to file their accounts and enrich themselves unlawfully with the investments made by the 2nd respondent, who had actually



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involved in the business. The 1st accused who was working as Office Assistant under the 2nd respondent/de-facto complainant had taken advantage of his position and had nexus with the 2nd respondent's company and other accused had joined themselves in all such fraudulent activities. There are specific allegations made against each accused as to how the amounts that have been earned through the 2nd respondent's company was credited into the accounts of the petitioners/accused. Only when a detailed investigation is allowed to go against the petitioners/4th and 8th accused, the real facts about their involvement will come to light. Since there are enough ingredients and incriminating substances available against the petitioners to implicate them in this case, the prayer of the petitioners is liable to be disallowed.

7. In the result, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

08.12.2022
(2/2)

Index : Yes/No
Speaking Order : Yes / No
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CrI.O.P No.21729 of 2017

To

1.The Inspector of Police
Central Crime Branch I
Chennai-CCB
Chennai.

2.The Public Prosecutor
High Court of Madras.



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R.N.MANJULA.,J
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