



Crl.O.P.No.25901 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2023

CORAM

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

Crl.O.P.No.25901 of 2015

1. A.E.S.Ravi
 2. Chitra Ravi
- ...Petitioners

-Vs-

1. The State Rep. by,
The Sub-Inspector of Police,
Central Criminal Branch,
Team-II, Chennai.
 2. Sowmya Naresh
- ...Respondents

Petition filed under Section 482 of Cr.P.C., to call for the entire records pertaining to the Crime No.253 of 2014 pending on the file of the 1st respondent police and quash the same.

For Petitioners : Mr.G.Mohanakrishnan

For Respondent : Mr.L.Baskaran,
Government Advocate (Crl.side), for R1.
: M/s.T.K.S.Bharathy Anandraj, for R2.



Crl.O.P.No.25901 of 2015

WEB COPY

ORDER

The petitioners have filed this petition seeking to call for the entire records pertaining to the Crime No.253 of 2014 pending on the file of the 1st respondent police and quash the same.

2. The case of the prosecution is that the petitioners herein approached the de-facto complainant/the 2nd respondent herein under the pretext of selling the property measuring an extent of 2.42 acres, situated at No.114/2, Anna Salai Extention, Nagalkeni, Chrompet, Chennai along with the factory building, believing which, the de-facto complainant made an initial payment of Rs.2 Crores. However, in later point of time, the de-facto complainant came to know that, the petitioners herein by colluding with other accused persons are trying to cheat the de-facto complainant by creating forged documents, immediately, when the de-facto complainant asked the petitioners to return the above said amount, the petitioners along with other accused persons threatened the de-facto complainant and her family members with dire consequences. Hence, this complaint.



WEB COPY

3. Learned counsel for the petitioners submitted that the petitioners' factory is exporting Leather shoes upper, finished leather and full shoes and the petitioners have borrowed a sum of Rs.20 Crores by mortgaging several properties including the subject property. While so, knowing all the above said facts, one Naresh, husband of the de-facto complainant/2nd respondent herein, approached the petitioners as he wanted to enter into the business deal by redeeming the loan amount pertaining to the subject property/factory. However, he did not dispute the fact that the de-facto complainant had made an initial payment of Rs.2 Crores to the petitioners and a Memorandum of Understanding dated 03.09.2012 was also entered into between the petitioners and the de-facto complainant. He further submitted that, the de-facto complainant is the one who wanted to call off the transaction and she continuously pressurised the petitioners for return of Rs.2 Crores, lodged a complainant before the Commissioner of Police and has also filed a suit in C.S.No.850 of 2013 as against the the petitioners and others. He furthermore submitted that pursuant to all the above said incidents, the petitioners herein entered into MOU dated 31.07.2013 with the de-facto complainant and decided to terminate their agreements. Further, it is pertinent to note that, though the present complaint was lodged for non-



Crl.O.P.No.25901 of 2015

payment of the amount, however, the petitioners already paid a sum of Rs.1,93,00,000/- (Rupees One Crore and Ninety three lakhs only) and for the balance amount of Rs.7 Lakhs, the petitioners have drawn a demand draft dated 04.01.2023 and the same was handed over to the De-facto complainant today before this Court. Hence, he prayed for quashing of the complaint in Crime No.No.253 of 2014.

4. Learned Government Advocate (Crl.Side) appearing for the 1st respondent submitted that, once the entire amount of Rs.2 Crores is paid, the case will be closed.

5. Learned counsel appearing for the 2nd respondent/de-facto complainant does not controvert the receipt of the total amount of Rs.2 Crores from the petitioners.

6. Heard learned counsel on either side and perused the materials placed on record.

7. In view of the above facts, as the de-facto complainant being



Crl.O.P.No.25901 of 2015

present before this Court and has received the balance amount of R.7 Lakhs and also considering the fact that she is not interested in pursuing the matter further, this Court is inclined to direct the 1st respondent to file closure report before the jurisdictional Magistrate Court. However, liberty is granted to the de-facto complainant to workout her further remedy before the Civil Court, where the suit is pending, if so advised.

8. With the above observations and directions, this Criminal original petition is disposed of.

25.01.2023

skt

Speaking Order : Yes/ No

Index : Yes/ No

To

1. The Sub-Inspector of Police,
Central Criminal Branch,
Team-II, Chennai.
2. The Public Prosecutor,
High Court of Madras, Chennai-600 104.

5/7



WEB COPY



CrI.O.P.No.25901 of 2015

M.DHANDAPANI., J.

skt

CrI.O.P.No.25901 of 2015



WEB COPY



CrI.O.P.No.25901 of 2015

25.01.2023