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Writ Petition Nos.4479 & 10315 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.07.2023

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition Nos.4479 & 10315 of 2022

and

W.M.P.Nos.4600, 4601, 10034, 10037, 11038 & 21070 of 2022

1.Meena Anand
W/o.P.Vivek Anand

2.Mangai Subbaiah
W/o.R.Subbaiah

3.R.Subbaiah
S/o.Ramasamy

...Petitioners in W.P.No.4479
of 2022

Vivek Anand
S/o.Palaniappan

...Petitioner in W.P.No.10315
of 2022

Vs

1.State of Tamil Nadu
represented by its Secretary,
Home Department,
Fort St.George, Chennai - 9.

2.The Assistant Commissioner of Police,
Central Crime Branch,
EDF-I Wing, Vepery,
Chennai - 600 007.



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3.The Inspector of Police,
EDF-I Wing, Vepery,
Chennai - 600 007.

4.Dr.A.Nalin Dhas Nayagam

... Respondents in both
Crl.O.Ps.

PRAYER : Writ Petitions filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Certiorari calling for the records of the third respondent in impugned proceedings in FIR No.18 of 2022 dated 21.01.2022 wherein the respondents has malafidely registered false and illegal complaint u/s.406 r/w Section 34 IPC against the petitioners and quash the same.

For Petitioners : Mr.G.Vijay Anand
[in both petitions] for M/s.G.Vijay Anand Associates

For Respondents : Mr.A.Damodaran
[in both petitions] Additional Public Prosecutor [R1 to R3]
Mr.K.R.Ramesh Kumar [R4]

COMMON ORDER

These writ petitions have been filed to quash the case in Crime No.18 of 2022 pending on the file of third respondent.

2. The petitioner in W.P.No.10315 of 2022 has been arrayed as A1 and the petitioners in W.P.No.4479 of 2022 have been arrayed as A2 to A4 in the First Information Report.



3. Heard Mr.G.Vijay Anand, learned counsel for petitioner, Mr.A.Damodaran, learned Additional Public Prosecutor appearing for respondents 1 to 3 and Mr.K.R.Ramesh Kumar, learned counsel appearing for the fourth respondent.

4. The allegations made in the First Information Report is to the effect that the accused persons had misled and persuaded the *de facto* complainant to invest a total sum of Rs.85,80,000/- in the company that is run by A1 and ultimately, the amount received from the *de facto* complainant was misappropriated and as a result, the *de facto* complainant suffered loss.

5. This Court has carefully gone through the First Information Report and also the materials placed on record.

6. Insofar A3 and A4 are concerned, they are parents of A1 and there are no specific allegations against them except for the fact that they have also spoken with the *de facto* complainant and had made her invest in the business. The criminal proceedings as against A3 and A4 alone is liable to be interfered with by this Court. The investigation shall go on as against A1 and A2.



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These writ petitions are partly allowed and the First Information Report in FIR No.18 of 2022 on the file of third respondent is quashed insofar as A3 and A4 are concerned. The investigation in FIR No.18 of 2022 on the file of third respondent can go on insofar A1 and A2 are concerned and the respondent police shall file a final report or a closure report, as the case may be, within a period of three (3) months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petitions are closed.

17.07.2023

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
gm

To

- 1.The Secretary,
Home Department,
Fort St.George, Chennai - 9.
- 2.The Assistant Commissioner of Police,
Central Crime Branch,
EDF-I Wing, Vepery,
Chennai - 600 007.
- 3.The Inspector of Police,
EDF-I Wing, Vepery,
Chennai - 600 007.



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4.The Public Prosecutor,
High Court, Madras.



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N.ANAND VENKATESH, J

gm

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