



WEB COPY



Crl.OP.No.5718 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.03.2023

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THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.5718 of 2023

and

Crl.M.P.No.3575 of 2023

M.Kesavapandian

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by the
Inspector of Police,
Thiruchengode Rural Police Station,
Namakkal.
Crime No.180 of 2021

2. Aravind

...Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C.,
to call for the records pertaining to the FIR dated 01.03.2021 in Crime No.180
of 2021 on the file of the 1st respondent and quash the same.

For Petitioners : M/s. M.Senthil Kumaran

For Respondent : Mr.S.Santhosh (For R1)
Government Advocate(Crl.side)



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ORDER

This Criminal Original Petition has been filed to call for the records pertaining to the FIR dated 01.03.2021 in Crime No.180 of 2021 on the file of the 1st respondent and quash the same.

2. The learned counsel for the petitioner submitted that, petitioner is an accused in Crime Number 180 of 2021 registered for the offences under Sections 406 & 420 of IPC. He further submitted that, earlier, petitioner gave a complaint against Managing Director, General Manager and Branch Manager of City Union Bank, Tiruchengode Branch alleging that, without the knowledge of the petitioner, they opened an account in the name of the petitioner and then transferred funds from petitioner's account to some other pending loan account. On the basis of the complaint, FIR in Crime No.14 of 2020 was registered for the offence under Section 406 and 408 of IPC. After investigation, final report was filed and the case was taken on file in C.C.No.15 of 2022 on the file of Judicial Magistrate, Tiruchengode. As a counter blast to the complaint given by the petitioner, 2nd respondent gave a false complaint against the petitioner making false allegations. Therefore, present petition is filed.



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3. The learned Government Advocate (Crl. Side) submitted that, investigation in this case was transferred to DCB, Namakkal in March 2022. Investigation in this case is pending.

4. Considered the rival submissions and perused the records. The reading of the FIR allegations in Crime No.18 of 2021 shows that, petitioner is the Director of M/s. Natures Touch Clothing Pvt. Ltd. They borrowed a loan for a sum of Rs.75,00,000/- from City Union Bank, Tiruchengode Branch for purchase of machineries. As per the loan agreement, machineries should be kept within the factory premises. If the machineries are moved from the factory premises, it must be informed to the Bank. It is mentioned that, without informing the Bank, machineries were shifted to Ragavendra Kalyanamandapam. On coming to know this, a complaint was given by the defacto complainant on 11.11.2020 to the Deputy Superintendent of Police, Crime Branch. On the basis of the complaint, when Inspection was done on 30.01.2021 at Ragavendra Kalyanamandapam, wherein machineries were found inside the mandapam. On 20.02.2021, the Owner of the Ragavendra Kalyanamandapam, Mr.Shanmugam, called the defacto complainant over phone and informed him that somebody had taken the machineries by breaking



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opening the lock and damaging the compound wall. Therefore, complaint was given.

5. The allegations in FIR show that, complaint was given not merely for stealing/removing the machineries from Ragavendra Kalyana Mandapam, but it was also given for removing the machineries from factory premises without informing the Bank and also shifting to Ragavendra Kalyanamandapam. Investigation in this case is pending. By removing the machineries from the premises, petitioners had violated the agreements entered while obtaining the loan. Thus, case was registered for the offences under Sections 406 & 420 of IPC. Investigation is under progress and it is now carried by DCB, Namakkal. This case must be investigated to find out the truth. As of now, prima facie case is made out for the commission of cognizable offences by the petitioner. Therefore, this Court finds no merits in this petition.

6. In that view of the matter, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

15.03.2023

Internet : Yes / No

Index : Yes / No



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Speaking / Non Speaking order
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G.CHANDRASEKHARAN,J.

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To

1. Inspector of Police,
Thiruchengode Rural Police Station,
Namakkal.
- 2.The Public Prosecutor,
High Court of Madras, Chennai.

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15.03.2023