



Crl.O.P.Nos.7918 of 2023
and 15170 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:10.11.2023

Coram:

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

Crl.O.P.No.7918 of 2023

and

Crl.O.P.No.15170 of 2022

Crl.O.P.No.7918 of 2023:

Mr.D.Manivannan, Male aged 56 years,
Proprietor of M/s D.Manivannan and Co.,
No.T/D-95, Anna Fruits Market,
Koyambedu, Chennai 600 092.

.. Petitioner

/versus/

1.The State represented by its
The Inspector of Police,
Central Crime Branch, E.D.F-I,
(Team-1), No.132, E.V.K.Sampath Salai,
Vepery, Chennai 600 007.

2.Mr.A.Suresh

3.Mrs.S.Eswari

4.Mr.R.Sridharan

5.Mr.Prakash

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6.Mr.Subramani

.. Respondents

Criminal Original Petition has been filed under Section 482 of Cr.P.C., to direct the 1st respondent police to expedite the investigation pending in Crime No.211 of 2022 and to file appropriate final report within a time frame that may be fixed by this Hon'ble Court.

For Petitioner :Mr.G.Prabhakaran
For Respondents :Mr.S.Udaya Kumar
Govt.Advocate (Crl.Side) for R1

Crl.O.P.No.15170 of 2022:

1.Mr.A.Suresh
2.Mrs.S.Eswari

.. Petitioners

/versus/

1.The State represented by its
The Additional Commissioner of Police/
The Inspector of Police,
Central Crime Branch, Team-1,
Office of Commissioner of Police,
No.132, E.V.K.Sampath Salai,
Vepery, Chennai 600 007.
(Ref.Crime No.211/2021)

2.Mr.D.Manivannan,
Proprietor of M/s D.Manivannan and Co.,
No.T/D-95, Anna Fruits Market,
Koyambedu, Chennai 600 092.

.. Respondents



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Criminal Original Petition has been filed under Section 482 of Cr.P.C., to call for the records in Crime No.211 of 2021 pending on the file of the Inspector of Police, CCB-1, Vepery, Chennai, the first respondent herein, quash the same as against the petitioners.

For Petitioner :Mr.N.Kumara Rajan
For Respondents :Mr.S.Udaya Kumar
Govt.Advocate (Crl.Side) for R1
Mr. G.Prabhakaran for R2

COMMON ORDER

Criminal Original Petition No.7918 of 2023 has been filed to direct the 1st respondent police to expedite the investigation pending in Crime No.211 of 2022 and to file appropriate final report within a time frame fixed by this Court.

Criminal Original Petition No.15170 of 2022 has been filed to call for the records in Crime No.211 of 2021 pending on the file of the Inspector of Police, CCB-1, Vepery, Chennai, the first respondent herein and quash the same as against the petitioners.



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The tenor of the complaint indicates that the petitioner (A1) induced the defacto complainant to invest his money in the business. Initially, projected him as a Chairman of High Seas Coal and Minerals Pvt. Limited, Indonesia and thereafter, promised him to take him as a partner in the Real Estate Business. Believing his words, he initially, paid Rs.3 crores promising to return it twice the amount. Again, a sum of Rs.1,35,00,000/- was borrowed by him for his urgent needs to purchase a property at Anna Nagar measuring around 5000 sq.ft. by showing forged documents as if the Anna Nagar property is under his disposal and by alienating the property, they can earn several crores of rupees. It was induced to earn money with promise of high return including 2.25% interest per month. It is alleged that the money was transferred through bank and the statement of accounts clearly show that the accused taken away the money from him by inducing and dishonestly failed to pay the money. When he insisted for repayment, Rs.6,75,000/- each was paid in four instalments and for balance he was evading. The claim of the 1st petitioner that he owns High Seas Coal and



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Minerals Pte Limited at Indonesia and have huge investment and assets were found to be false and fake. MoU entered was destroyed by them. So that, he cannot make any lawful claim for the money. Three cheques given by them for settlement also returned with memos indicating 'payment stop'. Thus, from the inception the petitioners were acting dishonestly to cheat the defacto complainant and hence, this complaint has been registered in crime No.211 of 2021 under Sections 406, 420, 465, 468 r/w 34 and 120B IPC.

3. The petitioners contended that it is purely a civil transaction where a sum of Rs.3 crores was borrowed and promised to repay the loan with interest at the rate of 2.25% per month. Almost Rs.1.75 crores was repaid but creating documents as if loan for Rs.8.24 crores advanced and nearly 7.84 crores is balance, complaint has been fabricated and lodged. In this regard, the complainant proceeded under the arbitration act, which was clearly indicate that the dispute is purely civil in nature.



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WEB COPY 4. Through counter, the learned counsel appearing for the complainant submitted that the documents produced by the petitioners herein to induce him for investing in the proposals of the petitioner were later found to be forged and with dishonest intention having induced the defacto complainant to part away the huge sum of money. Now, the petitioners are conveniently claims that it is a civil dispute, inspite of evidence available regarding forgery of documents and manipulation of statement of accounts.

5. The learned counsel appearing on either side have made an elaborative arguments and produced several documents for perusal of the Court.

6. The very submission on either side clearly shows that it is not a matter where the mini trial conducted by the High Court under Section 482 of Cr.P.C., and quash the FIR. The police is a competent authority to hear,



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test and decide about the veracity of the claim. Hence, the Criminal Original Petition to quash is dismissed.

7. The Criminal Original Petition filed for expedite trial is considered and taking note of the voluminous documents involved and territory which the investigation is to be done, 6 months time is granted to the investigation agency to complete the investigation and file the final report. Accordingly, this Criminal Original Petition is disposed of.

10.11.2023

Index:Yes/No
Speaking Order/non speaking order
Neutral Citation:Yes/No
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To
1.The Additional Commissioner of Police/The Inspector of Police,
Central Crime Branch, Team-1,Office of Commissioner of Police,
No.132, E.V.K.Sampath Salai,Vepery, Chennai 600 007.
(Ref.Crime No.211/2021)

2.The Public Prosecutor, High Court, Madras.

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Dr.G.JAYACHANDRAN,J.

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