



WEB COPY



Crl.O.P.Nos.10352 & 11863 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.08.2023

CORAM :

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

Crl.O.P.Nos.10352 & 11863 of 2022

and

Crl.M.P.Nos.6165 & 6702 of 2022

1.Parvathi

2.Shivanna

... Petitioners Crl.O.P.No.10352/2022

M/s.Zylog Systems Limited (under Liquidation)

Represented by Administrator appointed by Madras High Court

Justice S.Rajeswaran (Former Judge - Madras High Court)

... Petitioner in Crl.O.P.No.11863/2022

-VS-

1.State rep. by

Superintendent of Police,

CBI, EOB Chennai.

(Crime No.RC0692022E0004 of 2022)

2.R.Ponmathan,

Regional Manager,

M/s.IFIN Securities Finance Ltd.,

Corporate Office,

No.142, Mahatma Gandhi Road,

Nungambakkam,

Chennai - 600 024.

...Respondents in both Crl.O.Ps



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COMMON PRAYER : Criminal Original Petitions have been filed under section 482 of Criminal Procedure Code to call for the records and quash the F.I.R.in Crime NO.RC0692022E0004 of 2022 registered for the offences under section 120B, 409, 420 of IPC, pending investigation on the file of the 1st Respondent.

For Petitioners : Mr.M.Velmurugan
in Crl.O.P.No.10352/2022

For Petitioner : Mr.M/s.Nithyaesh and Vaibhav
in Crl.O.P.No.11863/2022

For R1 in both Crl.O.Ps : Mr.K.Srinivasan
Special Public Prosecutor (CBI)

For R2 in both Crl.O.Ps : Mr.A.Nagarajan

COMMON ORDER

These Criminal Original Petitions are filed by the named accused in the First Information Report, who are arrayed as A5, A12 & A15, challenging the First Information Report registered and taken up for investigation by the CBI.

2. Today, the learned Special Public Prosecutor (CBI) appearing for the 1st respondent submitted a counter and also stated that pursuant to the direction of this Court in Crl.O.P.No.16138 of 2015, dated 19.03.2021, investigation from CCB was transferred to CBI and on completion of



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investigation, final report already filed in the month of December 2022 before the Additional Chief Metropolitan Magistrate, Egmore, Chennai. The learned Special Public Prosecutor further submitted that since the FIR has culminated in filing the final report, nothing survives in these quash petitions.

3. This Court taking note of the fact that the role of the investigator has completed and final report been filed and it is for the trial Court to take cognizance of the offences and decide. Regarding framing of charge, if anybody is aggrieved, they are always at liberty to seek indulgence of law before framing of charge. As far as these two petitions, which have been filed prematurely even before completion of investigation, deserves to be dismissed.

4. Accordingly, these Criminal Original petitions are dismissed. Consequently, the connected Criminal Miscellaneous Petitions are also dismissed.

09.08.2023

Internet : Yes/No
rpl

Dr.G.JAYACHANDRAN, J.

rpl



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To

1.The Superintendent of Police,
CBI, EOB Chennai.

2.The Pubic Prosecutor,
High Court of Madras, Chennai.

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09.08.2023