



Crl OP No. 14461 / 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.06.2023

CORAM :

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

**Criminal Original Petition No. 14461 of 2021
and**

Crl.M.P. No. 7877 of 2021

1.SKP Finance,
No.6, MAS Complex,
Rangasamy near,
Kancheepuram – 2.

2.S.K.P. Srinivasan

3.S.K.P. Santhosh

4.S.K.P. Saravana Perumal

... Petitioners

Versus

1.State Rep. by its,
The Inspector of Police,
Economic Offences Wing,
Kancheepuram.

2.K. Sekar

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Criminal Procedure Code seeking to call for the records relating to the First Information Report in Crime No.05 of 2021 pending on the file of the respondent for the offences punishable under Section 294(b), 406, 420, 506(i), 120B of the Indian Penal Code read with Section 4 (1), 14 & 76(1) of the Chit Funds Act, 1982 by allowing this Criminal Original Petition.



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WEB COPY For Petitioners : Mr. B. Kumar, Senior Counsel for
Mr. D. Muthuramalingam.

For Respondents : Mr. A. Damodaran,
Additional Public Prosecutor for R1.

Mr. S. Ananthanarayanan, Senior
Counsel for Mr. K. Balu for R2.

ORDER

The petition is to quash the First Information Report in Crime No. 05 of 2021 filed for the alleged offences under Sections 294(b), 406, 420, 506(i), 120B of the Indian Penal Code read with Section 4 (1), 14 & 76(1) of the Chit Funds Act, 1982.

2.It is alleged in the First Information Report that the petitioners had obtained Power of Attorney forcibly from the second respondent and thereafter executed sale deeds based on the said Power of Attorney; and that it has caused wrongful loss to the second respondent;

3.Mr. B. Kumar, learned Senior Counsel for the petitioners submitted that on the very same set of facts, the second respondent had



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given a complaint which was investigated by the Inspector of Police, Land Grabbing Special Cell, Kancheepuram and it was found that the complaint of the second respondent is false; and hence further action was dropped. The impugned First Information Report was lodged within ten days after the closure of the said complaint on the same set of facts, which is an abuse of process of law. Further, the learned Senior Counsel submitted that in any case, the First Information Report only discloses a civil dispute and the second respondent ought to have filed a Civil Suit to nullify the Power of Attorney if it is his case that it was obtained under coercion. The learned Senior Counsel further submitted that in any case the second petitioner had resigned from the company in the year 2017 and hence he cannot be made liable for the offence said to have taken place in the year 2019.

4.Per contra, Mr. S. Ananthanarayanan, learned Senior Counsel for the second respondent submitted that the allegations in the first and second complaints are different. The petitioners were not aware of the fact that the first complaint given to the Director General of Police was referred to the Land Grabbing Special Cell and then, it was closed. The learned Senior Counsel further submitted that the role of the second



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petitioner also has to be investigated and the First Information Report cannot be scuttled and quashed in respect of the second petitioner alone.

5.The learned Additional Public Prosecutor submitted that the case is under investigation and hence, prayed for dismissal of this petition.

6.This Court on perusal of impugned First Information Report and on hearing, the learned Senior Counsels on either side, finds that it is a case of the petitioners that the impugned First Information Report is an abuse of process of law, since an earlier complaint given by the second respondent on the same set of facts was investigated into and found to be false. However, this Court is of the view that since the first respondent has registered the case and has commenced the investigation, it is desirable to allow the first respondent to conduct investigation. Hence, this Court is not inclined to entertain this petition at this stage.

7.It is needless to say that the first respondent shall conduct the investigation fairly and shall take into account all the facts including the findings of the Inspector of Police, Land grabbing Special Cell,



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Kancheepuram on the earlier complaint filed by the petitioners and also the second petitioner's role in the alleged offence before filing the final report. Accordingly, the first respondent is directed to expedite the investigation and complete it within a period of four weeks from the date of receipt of a copy of this order.

8. With these observations, this Criminal Original Petition is dismissed. Consequently, the connected miscellaneous petition is closed.

23.06.2023

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Index: Yes/No

Speaking Order / Non-Speaking Order

Neutral Citation: Yes / No

To

1. The Inspector of Police,
Economic Offences Wing,
Kancheepuram.

2. The Additional Public Prosecutor,
High Court of Madras,
Chennai.



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SUNDER MOHAN, J

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