



WEB COPY



CrI.O.P.No.15245 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2023

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

CrI.O.P.No.15245 of 2021 and
CrI.M.P.No.8314 of 2021

1.Deepika Priya
2.Kiran Teja
3.Ravi Prasad

...

Petitioners

/vs/

1.State Rep by
The Inspector of Police,
R3 Ashok Nagar Police Station,
Ashok Nagar, Chennai city.

2.Lokesh

...

Respondents

(The first respondent amended as per order in
CrI.M.P.No.11760/2021 in CrI.O.P.No.15245 of 2021 dated 19.11.2021)

Prayer : Criminal Original Petition has been filed under Section 482 of
Cr.P.C. to call for the records relating to the Crime No.561 of 2021 on the
file of the first respondent Police and quash the same.

For Petitioners

...

Mr.M.Palanivel

For Respondents

...

Mr.A.Gopinath,
Govt. Advocate (CrI.Side) for R1
Mr.M.Arulraj for R2



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ORDER

WEB COPY This Criminal Original Petition has been filed to call for the records relating to the Crime No.561 of 2021 on the file of the first respondent Police and quash the same.

2. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) for the first respondent and the learned counsel for the second respondent.

3. The petitioners are the accused 1 to 3. The third accused is the father of the accused 1 and 2. The case of the prosecution is that the petitioners are running a Health Care Centre by name Saroja Medical & Health Care Centre, Chennai. The first petitioner is the Managing Director of the said Concern and the second and the third petitioners are its Directors. The petitioners' Company used to place orders with Keechery Medical Technologies and the second respondent was working as a Senior Sales Executive in the said Company. The said Keechery Medical Technologies has supplied medical equipments worth of Rs.40,51,000/- to the petitioners' Company against their orders. The petitioners' Company did



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not pay the amount due to the second respondent's Company and they had an outstanding of Rs.23,51,000/-. The Crime Branch Police, K.K.Nagar interrogated the second respondent by showing some of the documents bearing the names of the second respondent's Company. Those documents were the false vouchers created in the name of the second respondent's Company to the tune of Rs.23,51,000/-. By misusing the said false vouchers, the petitioners managed to obtain loans from the Karnataka Bank. The petitioners have not repaid the loan also and absconded. Since the petitioners had involved in committing the offence of forgery and cheating, the charge sheet has been filed against the three accused for the offences under Sections 465, 468, 406 & 420 of IPC.

4. The learned counsel for the petitioners submitted that the case of the prosecution is not true; the first accused who is the daughter of the third accused is the resident of Hyderabad and she is in no way related to Saroja Medical & Health Care Centre; the third accused is the Managing Director and the first accused is only the Director and she is not in-charge of the affairs of the Company in any manner; the second accused is the son of the



third accused and he is also not involved in any affairs of the Company; the first respondent police without making proper preliminary enquiry had registered the case against the petitioners without any basis; the materials available on record does not disclose any cognizable offence against the petitioners and hence the FIR should be quashed.

5. The learned Government Advocate (Crl.Side) submitted that the second respondent had made a detailed allegations that some of the vouchers purported to be issued in the name of his Company, have been misused by the petitioners 1 to 3 for getting loans from the Bank; when the said scam was exposed and the second respondent became aware of the usage of the false vouchers in the name of his Company, he had come forward and given the complaint; the allegations in the FIR would make out a cognizable case against the petitioners.

6. The learned counsel for the second respondent submitted that the petitioners are the Directors of Saroja Medical and Health Care Centre and hence they are the persons in-charge of the Company; the offences are



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committed with an active involvement of all the petitioners in their capacity as Directors; they cannot claim that there is no basis for this case; unless a detailed investigation is done, the real facts cannot be brought to light.

7. Even though the first respondent has filed the charge sheet by stating that the first petitioner is the Managing Director and other petitioners are the Directors of the Saroja Medical and Health Care Centre, the learned counsel for the petitioner submitted that it is the third petitioner who is the Managing Director of the said Company. But the fact remains that all the petitioners are the Directors of the said Company. The second respondent Keechery Medical Technologies have supplied some medical equipments to the petitioners' Health Care Centre on credit basis. According to the accounts managed by the second respondent, the petitioners did not pay the entire amount of Rs.40,51,000/- which is the value of the medical equipments supplied by him.

8. The second respondent has alleged that the petitioners' Company



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have paid Rs.17,00,000/- and there is a balance of Rs.23,51,000/-.

However, the petitioners have produced the vouchers to the said remaining amount of Rs.23,51,000/- at the Karnataka Bank and managed to avail the loan from the said Bank. Later on the police complaint, the vouchers were recovered by K.K.Nagar Police and when the second respondent was interrogated about the same, the second respondent came to know that those vouchers were not issued by his Company and they have been concocted by the petitioners for the purpose of availing loan from the Bank.

9. Though the learned counsel for the petitioners submitted that the first and second petitioners are in no way responsible or in-charge of the affairs of the Company, the fact remains that they are the Directors of the Saroja Medical and Health Care Centre along with their father who is the third accused. It is not the contention of the learned counsel for the petitioners that the first and the second petitioners are strangers to Saroja Medical and Health Care Centre. They are very much the Directors of the said Company and only if a detailed investigation is done, it will be known whether the petitioners are directly in-charge of the affairs of the Company



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or they remain only as a formal Directors. Since the complaint has been given on some serious allegations of forgery and fraud, the matter cannot be looked lightly at the very inception, by arriving at any short conclusion that the first and second petitioners are in no way related to the Saroja Medical and Health Care Centre and the allegations made in the complaint have got nothing to do with them.

10. Since the averments made in the FIR has made out a *prima facie* case, the first respondent is duty bound to conduct a full fledged investigation and come with a final report. Since this Court cannot conduct any mini trial with regard to the facts alleged in the complaint and necessary materials need to be gathered during the course of the investigation, the job of investigation has to be done by the first respondent police. In view of the above said reasons, I do not find this is a fit case where this Court has to exercise its powers under Section 482 of Cr.P.C., to quash the proceedings against the petitioners.

R.N.MANJULA,J.

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WEB COPY 11. In the result, this Criminal Original Petition is dismissed.

Consequently, connected miscellaneous petition is closed.

23.02.2023

Index: Yes/No
Internet: Yes/No
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To

- 1.The Inspector of Police,
R3 Ashok Nagar Police Station,
Ashok Nagar, Chennai city.
- 2.The Public Prosecutor,
High Court, Madras.

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