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Crl.O.P.No.16261 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.11.2023

CORAM :

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

Crl.O.P.No.16261 of 2023

Saurab Rathore

... Petitioner

-VS-

1. The State, Represented by
The Inspector of Police,
Central Crime Branch,
Bank Fraud Wing Team-12,
Commissioner Office Building,
II Floor, EVK Sampath Road,
Vepery,
Chennai-600 007.
(Ref Crime No.109 of 2020).

2.M/s.Dharma Karma Company,
Rep.by its Managing Partner,
Bharath Sethia,
(South region of India),
No.64/20, Tulsi Kripa,
Avadi Srinivasan Road,
Choolai, Chennai-600 112.

...Respondents

PRAYER : Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, call for the records in Crime No.109 of 2020 on the file of the 1st Respondent Police and quash the same.

For Petitioner : Solaiappan Odayappan

For 1st Respondent: Mr.Leonard Arul Joseph Selvam



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Government Advocate (Crl.Side)
For 2nd Respondent : No Appearance

ORDER

The petition filed to quash the complaint is under investigation in Crime No.109 of 2020 on the file of the 1st Respondent Police. This petitioner is one of the several accused who are suspected in this case involving collection of money through onLine franchise.

2. The learned counsel for the petitioner would submit that the petitioner and the defacto complainant has entered into a compromise and the Memo of Understanding has been filed. Based on the said Memorandum of Understanding, the case against him to be quashed.

3. The learned Government Advocate (Crl.Side) would submit that apart from the defacto complainant, there are other victims in this case and investigation is yet to be completed. The account of the petitioner in the course of investigation is freezed and pre-condition to de-freeze his account to deposit money lying in the credit of crime No.109 of 2020, on the file of concerned Court and deposited in the said Court.

4. The interim order herein to consider the compromise memo and take



decision whether the petitioner may be included in column 1 of the final report to proceed or to place him in column 2 as accused not to be prosecuted. Insofar as the money deposited, pursuant to the Court directions, it is open to the petitioner herein to seek his remedy in the manner known to law.

5. The petitioner herein is a resident of Canada, his grievance is that even after settling the dispute with the complainant, his money which has been deposited could not be released in view of the pending investigation.

6. Taking his submission into consideration, respondent police is directed to complete the investigation within a period of four months and file final report.

7. With the above direction this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

23.11.2023

Index : Yes/No

Neutral Citation : Yes/No

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Dr.G.JAYACHANDRAN, J.,

ssn

To

1. The Inspector of Police,
Central Crime Branch,
Bank Fraud Wing Team-12,
Commissioner Office Building,
II Floor, EVK Sampath Road,
Vepery,
Chennai-600 007.
2. The Public Prosecutor,
Madras High Court, Madras.

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