



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.08.2023

CORAM :

THE HONOURABLE Dr. JUSTICE **G.JAYACHANDRAN**

Crl.O.P.No.19608 of 2022

Mr.Shreyas Sripal

.. Petitioner

Vs.

1.The State represented by
The Deputy superintendent of Police,
Central Bureau of Investigation,
Bank Securities and Fraud Cell/CNI,
Bangalore.

.. 1st
Respondent

Now pending at

2.The State represented by
The Deputy superintendent of Police,
Central Bureau of Investigation,
CBI, EOW, Chennai.

.. 2nd Respondent

PRAYER : Criminal Original Petition has been filed under section 482 of Criminal Procedure Code to call for the records and quash the proceedings in C.C. No.31289 of 2004 on the file of the learned Additional Chief Metropolitan Magistrate, Egmore, Chennai.



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For Petitioner : Mr.N.R.Elango,
Senior Counsel for
Mr.A.Nagarajan

For Respondent : Mr.K.Srinivasan,
Special Public Prosecutor (CBI)

ORDER

The petitioner who is first accused in C.C. No.31289 of 2004 on the file of the learned Additional Chief Metropolitan Magistrate, Egmore, Chennai is before this Court resorting to invoke inherent power of Court under Section 482 Cr.P.C. to quash the criminal complaint pending against him.

2. The petitioner herein before framing of charges had filed a discharge petition and in fact succeeded, however CBI preferred Revision Case before this Court and got the discharge order reversed. Being aggrieved, the petitioner filed SLP before the Hon'ble Supreme Court and the same was dismissed. Now this petition is filed under Section 482 Cr.P.C to quash this case on the ground that the entire due payable to the bank been paid with interest and having suffered the ordeal of criminal prosecution pending for more than 20 years, hence it is a fit case to be quashed since



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there is no pecuniary loss to the banks as well as none of the public servant is prosecuted.

3. The learned Senior Counsel appearing for the petitioner relying upon the judgment of *M/s.Kothari Polymers Limited and others Vs. SIU (X)/SPE/CBI* in **Criminal Appeal No.239 of 2015** (*M/s.Kothari Polymers*) order dated 16.02.2022 submitted that the facts of the case cited is similar to the facts of the case in hand and therefore to secure the ends of justice, the Court may invoke its power and allow this petition. However on reading the judgment cited in *M/s.Kothari Polymers*, this Court finds that the Hon'ble Supreme Court had accepted his request of compounding the offence and after imposing costs payable to prosecuting agency, the Hon'ble Supreme Court Mediation and Conciliation Project Committee (MCPC) granted relief sought by the appellant. However, the plea in this petition is to quash the complaint and not for compounding the offence. Therefore, this Court is not inclined to entertain this petition and the same is dismissed



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4. However it is open to the petitioner herein to seek compound of offence and if such application is filed, the trial Court shall pass appropriate orders in accordance with law, taking into consideration, the judgment of the Hon'ble Supreme Court rendered in *M/s.Kothari Polymers*.

03.08.2023

Internet : Yes/No

Index: Yes/No

rkp

To

- 1.The Additional Chief Metropolitan Magistrate,
Egmore, Chennai.
- 2.The Deputy superintendent of Police,
Central Bureau of Investigation,
Bank Securities and Fraud Cell/CNI,
Bangalore.
3. The Deputy superintendent of Police,
Central Bureau of Investigation,
CBI, EOW, Chennai.
3. The Public Prosecutor, High Court of Madras,
Chennai.



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Dr.G.JAYACHANDRAN, J.

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