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Crl.O.P.No.18565 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.18565 of 2023
and
Crl.M.P.Nos.12354 and 14509 of 2023

R.Manohar,
S/o.R.Rajagopal

... Petitioner

Vs.

1. State rep. by
The Inspector of Police,
District Crime Branch,
Kancheepuram.

2. Deepak
S/o.Kannan

... Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records on the file of first respondent and quash the First Information Report registered on the file of the first respondent in Crime No.9 of 2023.

For Petitioner : Mr.D.Gunasekaran

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor [R1]
Mr.R.Surya Prakash [R2]



ORDER

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2. Heard Mr.V.Parthiban, learned counsel for petitioner, Mr.A.Damodaran, learned Additional Public Prosecutor appearing for first respondent and Mr.R.Surya Prakash, learned counsel appearing for second respondent.

3. When the matter came up for hearing on 16.08.2023, this Court passed the following order:

"Mr.A.Damodaran, learned Additional Public Prosecutor, takes notice for first respondent.

2. Notice to the second respondent returnable by 13.09.2023. Private notice is also permitted.

3. The parties are governed by an agreement dated 18.12.2021. A reading of the complaint shows that the second respondent has claimed to have paid a sum of Rs.1,80,00,000/-. However, learned counsel for petitioner submitted that only a sum of Rs.1,50,00,000/- was paid. In order to show the bonafides, learned counsel also brought to the notice of this Court the demand draft that was taken in favour of the second respondent for a sum of Rs.1,43,00,000/-. It is submitted that the second respondent is not willing to compromise the dispute, which is purely civil in nature.



4. Taking into consideration the facts and circumstances of the case, there shall be a direction to the petitioner to deposit a sum of Rs.1,43,00,000/- to the credit of Crime No.9 of 2023 before the Judicial Magistrate I, Kancheepuram, on or before 31.08.2023. On such deposit, an attempt can be made to resolve the dispute amicably between the parties. In the mean time, the investigation in Crime No.9 of 2023 shall be kept in abeyance.

Post this case on 13.09.2023."

4. A petition has been filed to modify the interim order passed on 16.08.2023. Now, the petitioner has changed the counsel and the present counsel's submission is that the petitioner is not willing to deposit the amount and that the case is purely civil in nature, which has been given a criminal colour.

5. The petitioner cannot keep changing the stand taken before this Court by merely changing the counsel. This Court is not satisfied with the conduct of the petitioner. In view of the same, there shall be a direction to the respondent police to complete the investigation in Crime No.9 of 2023 and file the final report or the closure report before the jurisdictional Court, as the case may be, within a period of eight (8) weeks from the date of receipt of a copy of this order.



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N.ANAND VENKATESH, J.

gm

This Criminal Original Petition is disposed of with the above direction. Consequently, connected miscellaneous petitions are closed.

15.09.2023

Speaking Order/Non-speaking Order

Index : Yes/No

Neutral citation: Yes/No

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To

1. The Inspector of Police,
District Crime Branch,
Kancheepuram.
2. The Public Prosecutor,
Madras High Court,
Chennai.

Crl.O.P.No.18565 of 2023