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Crl.O.P.No.22593 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE **SUNDER MOHAN**

Crl.O.P.No.22593 of 2021

and

Crl.M.P.Nos.12280 & 12281 of 2021

Vinco Engineers,
Represented by its sole Proprietor,
Mr. T. M. George,
Having Registered office at;
No.114, Vanagaram Road,
Aynambakkam,
Chennai – 600 095.

... Petitioner

-Vs-

1. Sathiya Narayan Agarwal

2. Manish Agrawal

Rep. by their Power of Attorney Mr. Sanjai Modi

... Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records culminating C.C.No.54 of 2021 on the file of the Judicial Magistrate, Ambattur and to quash the same.

For Petitioner

: Mr. B. M. Subash

For Respondents

: No appearance



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ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in C.C.No.54 of 2021 pending on the file of the Judicial Magistrate, Ambattur, filed for the alleged offences under Section 200 of Cr.P.C read with Sections 406, 415, 418, 420 and 423 of IPC.

2.It is alleged in the final report that the petitioner / accused had approached the respondents / complainants to sell his schedule mentioned property, for which the petitioner and the respondents had entered into a sale agreement. The total sale consideration was fixed for a sum of Rs.4,30,00,000.-. The respondents had paid a sum of Rs.1,00,00,000/- as advance and subsequently, the petitioner had failed to perform his part of contract by executing the sale deed in favour of the respondents.

3.The learned counsel for the petitioner would submit that the entire amount has been settled and this fact has also been recorded in a civil suit. Hence, the impugned complaint is nothing but an abuse of process of law and he prayed for quashing of the impugned proceedings.



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4.The points raised by the learned counsel for the petitioner is factual in nature and it is for the petitioner to establish before the trial Court that the amount has been settled and there is no due to the respondents and therefore, this Court is not inclined to entertain this quash petition. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected Criminal Miscellaneous Petitions are closed.

26.06.2023

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Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

To,

1.The Judicial Magistrate, Ambattur.

2.The Public Prosecutor,
High Court of Madras.

SUNDER MOHAN,J.



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