



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P Nos.19470, 19474 and 19477 of 2023
and Crl.M.P Nos.13145, 13147, 13150, 13151, 13148 & 13149 of 2023

In Crl.O.P.No.19470 of 2023

Saravana Arul,
S/o.Late.Selvarathinam

..Petitioner

VS.

1.The Inspector of Police,
Documents Fraud Section-IV,
Central Crime Branch,
Tambaram City Police,
Sholinganallur, Chennai-119.

2.N Dot Dorwin Facade Solutions Pvt. Ltd.,
rep. by its Director Mr.A.S.Jaya Gopi,
Flat No.6, Second Floor, Door No.20, Old No.2178,
Rajparis Karpagam Flats, 12th Main road,
Anna Nagar, Chennai-600 040.

..Respondents

In Crl.O.P.No.19474 of 2023

Anandha Prabhu,
S/o.Rajendran

..Petitioner

VS.

1.The Inspector of Police,
Documents Fraud Section-IV,



Central Crime Branch,
Tambaram City Police,
Sholinganallur, Chennai-119.

2.N Dot Dorwin Facade Solutions Pvt. Ltd.,
rep. by its Director Mr.A.S.Jaya Gopi,
Flat No.6, Second Floor, Door No.20, Old No.2178,
Rajparis Karpagam Flats, 12th Main road,
Anna Nagar, Chennai-600 040.

..Respondents

In CrI.O.P.No.19477 of 2023

Arun,
S/o.Sekar

..Petitioner

vs.

1.The Inspector of Police,
Documents Fraud Section-IV,
Central Crime Branch,
Tambaram City Police,
Sholinganallur, Chennai-119.

2.N Dot Dorwin Facade Solutions Pvt. Ltd.,
rep. by its Director Mr.A.S.Jaya Gopi,
Flat No.6, Second Floor, Door No.20, Old No.2178,
Rajparis Karpagam Flats, 12th Main road,
Anna Nagar, Chennai-600 040.

..Respondents

COMMON PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating pertaining to the impugned summons issued by the 1st respondent herein in C.No.427/DC-CCB/TBM/COP(PG)(T)/2023 dated 18.08.2023 and quash the same.

For Petitioner : Mr.G.Karthikeyan,
(in all CrI Ops) Senior Counsel



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Side)



For Respondents : Mr.A.Gopinath for R1
(in all Crl Ops) Government Advocate (Crl.

COMMON ORDER

These petitions have been filed challenging the impugned summons issued by the 1st respondent dated 18.08.2023.

2. The learned Senior counsel appearing on behalf of the petitioner in each petition submitted that there is a money dispute between the petitioner and the complainant and already proceedings have been initiated before the NCLT, Chennai and same is pending. The learned Senior Counsel submitted that the police do not have any role to play in this case, since it involves a money transaction between the parties.

3. Per contra, the learned Government Advocate appearing on behalf of the respondent police submitted that pursuant to the issuance of summons, the petitioner in Crl.OP. No.19477 of 2023 appeared for the enquiry and he also informed that the money will be settled to the company.



4. In the considered the view of this court, on the face of it, it looks like a money dispute between the parties. The summons has been issued by the respondent police and one of the petitioner has undertaken to settle the money. No further enquiry is required to be conducted in this case. Either the police will have to come to a conclusion that it is a civil dispute between the parties or if according to the police, a cognizable offence is made out, they have to act in accordance with the Judgment of the Hon'ble Supreme Court in ***Lalitha Kumari Vs. Government of Uttar Pradesh*** reported in ***2013 (6) CTC 353***.

5. In view of the same, no further enquiry is required to be conducted pursuant to the summons issued to the petitioner and the respondent police shall take a decision taking into account the observation made by this Court.

6. All these Criminal Original petitions are disposed of accordingly.

01.09.2023



Index : Yes/No

Internet : Yes/No

Speaking Order/Non-Speaking Order
pal/rka

To

1. The Inspector of Police,
Documents Fraud Section-IV,
Central Crime Branch,
Tambaram City Police,
Sholinganallur, Chennai-119.
2. The Public Prosecutor,
High Court of Madras,
Madras.



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N. ANAND VENKATESH,. J.

pal/rka

Crl.OP Nos.19470, 19474 and 19477 of 2023