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Crl.O.P.No.26906 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.04.2023

CORAM:

THE HONOURABLE MR. JUSTICE **SUNDER MOHAN**

Crl.O.P.No.26906 of 2019

and

Crl.M.P.No.14349 of 2019

R.Sasikala

...Petitioner / 2nd Accused

-Vs-

1.State represented by:

Inspector of Police,
Central Crime Branch,
Tiruppur City.

... 1st Respondent / Complainant

2.D.Venkatesh

... 2nd Respondent / De-facto Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records relating to the proceedings in Crime No.4 of 2019 on the file of the 1st respondent and to quash the same.

For Petitioner

: Mr.John Sathya, Senior Counsel,

For Mr.Selvandaran



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For R1

: Mr.A.Damodaran,

Additional Public Prosecutor

For R2

: Mr.K.Myilsamy

For Mr.S.Suresh

ORDER

This Criminal Original Petition has been filed seeking to quash the First Information Report in Crime No.4 of 2019 on the file of the 1st respondent, filed for the offence under Sections 120(B), 406, 417, 420, 465, 467 and 473 of IPC.

2.It is alleged in the First Information Report that the petitioner / A2 along with her husband had created a Partnership Deed by name of Sree Plastics, while there was another registered Partnership Deed in the name of Sree Plastics, in which the defacto complainant was also a partner. It is further alleged that they had also forged several documents and made it appear that they had sold the machineries in favour of A1. Hence the complaint.



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3.The learned Senior Counsel appearing for the petitioner submitted that there are civil suits pending between the parties and it is only a dispute between the partners, which cannot be gone into by the respondent police. The learned Senior Counsel further submitted that no offence is made out on the basis of the allegations in the First Information Report.

4.The learned counsel for the defacto complainant would submit that the petitioner along with her husband created a forged Partnership Deed, when there was another registered Partnership firm in the same name, in which, the de-facto complainant was a partner. The purpose of creating the new Partnership Deed was to divert the business and misappropriate the funds of the firm Sree Plastics. The learned counsel further pointed out to a document dated 19.01.2015 which is said to have been executed by the petitioner along with her husband in favour of A1, which purported to sell machineries. The learned counsel pointed out that the stamp paper in which it was typed was purchased only in the year 2018 and was given to the stamp vendor by name D.Balakrishnan. However, the deed of sale of machineries is dated 19.01.2015 and the



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stamp vendor is shown as T.M.Murugesan. This *prima facie* would show that the said document has been fabricated.

5.This Court on a perusal of the impugned First Information Report finds that there is *prima facie* material to show that the deed of sale of machineries dated 19.01.2015 could not have been executed on the said day, as the stamp paper is said to have been issued to one D.Balakrishnan, stamp vendor only on 23.10.2018 as per the reply given by the Treasury Officer, District Treasury, Tiruppur. Therefore, this Court is not inclined to entertain this quash petition. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected Criminal Miscellaneous Petition is closed. However, the 1st respondent is directed to file a final report without being influenced by any of the observations in this order within a period of six months from the date of receipt of a copy of this order.

17.04.2023

smv

Index : Yes/No

Speaking : Yes / No

Neutral Citation : Yes / No



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WEB COPY To,

- 1.The Public Prosecutor,
High Court of Madras.
- 2.Inspector of Police,
Central Crime Branch,
Tiruppur City.



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SUNDER MOHAN,J.
smv

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