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Crl.O.P.Nos. 2603 & 4030 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2024

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.Nos. 2603 & 4030 of 2021

and

Crl.M.P.Nos. 1427 & 2474 of 2021

Suvarnalakshmi
Arun Kumar

... Petitioner in Crl.O.P.No.2603/2021
... Petitioner in Crl.O.P.No.4030/2021

Vs.

1.The State,
Rep., by the Assistant Commissioner of Police,
Central Crime Branch,
Chennai.

2.Vasudevan R ... Respondents in both Crl.O.P.s

Common Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., praying to call for the records pertaining to the case pending investigation in Crime No.81/2020 on the file of the respondent police and quash the same.

For Petitioner in both Crl.O.P.s : Mr.C.Vidhusan

For 1st Respondent in both Crl.O.P.s : Mr. S. Vinoth Kumar, for R1
Government Advocate (Crl.Side)

For 2nd Respondent in both Crl.O.P.s : Mr. C. Arun Kumar



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COMMON ORDER

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The petitioners have filed these Criminal Original petitions to quash the proceedings in Crime No.81 of 2020 on the file of the 1st respondent police for the offence under Sections 408, 409, 420, 477A, r/w 34, 109 and 120B of IPC.

2. The case of the prosecution is that the defacto complainant, who is a Director of M/s.Golden India Mines and Infrastructure Ltd., M/s.Golden India City Scapes, Pvt. Ltd., and M/s.Golden India Resources Ltd., all the above companies having its registered office at No.2H, 2nd Floor, Prince Arcade, Cathedral Road, Chennai-18. The complainant in the business of Real Estates, Mining and Exports in order to facilitate proper accounting updates, timely filing of taxes he is engaged petitioner/A1 and A2 as Chartered accountants for the above mentioned companies, since December 2014. They got introduced to him, while he availed the housing loan from the Indian Bank. In order to maintain accounting records and tax filing jobs, they introduced one Bhaskar /A3 who is the cousin brother of A1 and audit assistant in their audit firm. The accused persons A1 to A3 introduced one Sathya Subramaniam /A4 represented that he will be influential in obtaining



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mining licenses quarry licenses, lease land for erecting aggregate plant and completion of required legal formalities to establish the proposed mining industry in Andhra Pradesh. The complainant believed their representations to be true and genuine and he has agreed with the amount demanded by them. A3 was entrusted to follow up with the project in Chittor as the complainant's representative upon promise made by the accused persons / A1 to A4.

3. Immediately, the accused persons made arrangements to prepare required documents and made us to sign all documents. As demanded by them, the complainant had entrusted a sum of Rs.11,26,000/- to accused / A4 of Sigma consultants at the instance of A1 to A3 between the period of 20.09.2017 and 16.04.2018 towards the Government fees and payments. Another sum of Rs.56,61,666/- was also entrusted to Bhaskar /A3 on the demand raised by the said A1 and A2 towards acquiring mining / quarry land at Madanapalli & Taduku in Andrapradesh, between 26.05.2016 and 07.02.2019. In the mean time, the complainant very busy with the foreign investors and experts to proceed with our venture. Even went to the extent of checking quality of stones and was done through DMT consulting



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Pvt.Ltd. 3B-203, Eco space Business Park, New Town, Kolkatta, for which made us to spend a sum of Rs. 50,00,000/- and thus made another wrongful loss to complainant's company.

4. The accused persons speed up the process of licences and setting up of the business. It is unfortunate that nothing could be materialized as promised and the complainant directly went to Chittor met A4 and A3 as persuaded by accused (A1 & A2) and found that no fruitful results was forthcoming. They started giving evasive replies and even avoided communications and meetings. Hence the complainant got suspicious on the activities of the said persons and his enquired with the relevant departments which were dominion over by A4 and others for their own use. Then only he realized that he had been dishonestly cheated by the A1 to A4 with their designed conspiracy misappropriated the entire funds entrusted to them to use for a specific performance. The complainant further found that the TDS amounts were misappropriated and manipulation was made in the Tally entries of the complainant's concern. Thus the above said accused persons dishonestly with their able design entered into a criminal conspiracy, committed criminal Misappropriation, falsification of record and stealing of



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data from his companies computers systems and made wrongful loss to the extend of Rs.83,35,896/- and made wrongful gain to them, beside the loss of Rs.50,00,000/- towards quality check of stones. Hence, this complaint.

5. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. In order to make out a case, the defacto complainant had made false and vexatious allegations against the petitioners. Hence, he prays to quash the proceedings in Crime No.81 of 2020 against the petitioners.

6.The learned Government Advocate (Crl.Side) appearing for the 1st respondent submitted that based on the complainant lodged by the defacto complainant FIR has been registered in CCB-I, in Crime No.81 of 2020, under Sections 408, 409, 420, 477A, r/w 34, 109 and 120B of IPC. He further submitted that during the course of investigation, they examined the witnesses and recorded their statements and collecting relevant documents from various banks and from the date of registration of this case, the accused persons / A1 to A4 are still absconding. He further submitted to



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drag on the proceedings they have filed this petition to quash the FIR, but it needs detailed investigation. Hence, he vehemently opposed to quash the FIR against the petitioners.

7. Considering the submission made by the learned Government Advocate (Crl.Side) and the gravity of the offence committed by the petitioners, it needs detailed investigation, at this stage this Court is not inclined to quash the FIR in Crime No.81/2020 on the file of the first respondent.

8. Accordingly, the Criminal Original Petitions are dismissed. Consequently, the connected miscellaneous petitions are closed.

11.01.2024

Speaking Order/ Non Speaking Order

Index: Yes/ No

Neutral Citation: Yes/No

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To



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1.The Assistant Commissioner of Police,
Central Crime Branch,
Chennai.

2.The Public Prosecutor,
High Court of Madras.

T.V.THAMILSELVI, J.



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