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Crl.O.P.No.5512 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:18.07.2024

Coram:

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

Crl.O.P.No.5512 of 2024

and

Crl.M.P.Nos.4029 and 10114 of 2024

1.K.M.V.Narayana Babu
Son of Late K.Govinda Pillai
Aged about 59 years and employed at
M/s SEW Infrastructure Ltd., as
Sr.Associate Vice President (Projects)
6-3-871, 'Snehalata'
Greenlands Road, Begumpet
Hyderabad, Telangana 500 016.

2.Sayala Prabhakar @ Prabhakar Reddy
Son of Late S.Narasaiah
Aged about 56 years and employed at
M/s SEW Infrastructure Ltd., as
Vice President(Procurement)
6-3-871, 'Snehalata'
Greenlands Road, Begumpet
Hyderabad, Telangana 500 016.

.. Petitioners

/versus/

1.State by:The Assistant Commissioner of Police,
CCB Tambaram Police Station,
Tambaram City, Chennai 600 045.

2.N.Aparna Lakshmi

.. Respondents



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Criminal Original Petition has been filed under Section 482 of Cr.P.C., praying to call for the records in connection with Crime No.10 of 2024 dated 20.02.2024 on the file of the 1st respondent police and quash the same.

For Petitioners	:Mr.K.Suresh Babu
For R1	:Mr.S.Udaya Kumar
	Govt.ADvocate (Crl.Side)
For R2	:Mr.C.Kasirajan

ORDER

This Criminal Original Petition is filed to quash the First Information Report in Crime No.10 of 2024 on the ground that the dispute is purely civil in nature.

2. This Court, vide order dated 07.03.2024, on being *prima facie* satisfied, has granted stay of investigation in Crime No.10 of 2024, pending disposal of the petition. It is now brought to the notice of this Court by the defacto complainant that multiple complaints against the petitioners for adopting the same MOP have been lodged. Infact, in yet another complaint, this Court vide order dated 05.07.2024 in Crl.O.P.No.15339 of 2024, has directed the petitioner to co-operate with the investigation and directed the police to complete the investigation



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within a period of 12 weeks, from the date of receipt of that order copy.

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Till then, the respondent police not to take any coercive steps against the petitioner.

3. The learned counsel appearing for the defacto complainant submitted that under the false representation that the petitioner company is the contractor under the CMRL project, the petitioners induced the defacto complainant to supply materials worth about Rs.1,40,00,000/-, for which they have paid only Rs.10,00,000/-. Suddenly, in the month of January, 2024, they vacated the office and their whereabouts are not known, and hence, he was forced to lodge the criminal complaint.

4. It is not the case of civil dispute. It is the case of false representation and cheating. This Court, after considering the submissions and the materials placed by the learned counsel appearing for the petitioners, is of the view that, the complaint and the materials relied on by the complainant does not give impression that it is the purely civil dispute. It is for the investigating Officer to conduct a fair investigation and arrive at a conclusion by vacating the stay of



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investigation. There is every possibility of screening the evidence and tempering the witnesses.

5. Therefore, the Criminal Original Petition to quash the First Information Report stands dismissed. The Criminal Miscellaneous Petition in Crl.M.P.No.10114 of 2024 to vacate the stay of investigation is disposed of accordingly. The respondent police shall complete the investigation and if there is any material for the commission of cognizable evidence, they shall proceed in accordance with law. Consequently, Crl.M.P.No.4029 of 2024 is also closed.

18.07.2024

Index:yes/no

Neutral Citation:yes/no

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To:

1.The Assistant Commissioner of Police,CCB Tambaram Police Station,
Tambaram City, Chennai 600 045.

2.The Public Prosecutor, High Court, Madras.

DR.G.JAYACHANDRAN,J

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