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Crl.M.P.Nos.5433, 5436 and 5438 of 2024
in Criminal Revision Case No.1577 of 2022

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N.ANAND VENKATESH, J.,

These petitions have been filed by one R.Gunasekaran, C.Mageswaran and V.Murali to implead themselves in the Criminal Revision Case.

2. The case of these petitioners is that they belong to the group of Mr.Ramamurthy, who represented them at the time of entering into the Memorandum of Understanding (in short 'MoU') dated 05.04.2022. As per the MoU it was agreed to pay a total sum of Rs.10 Crores. The grievance of these petitioners is that the said Ramamurthy already received a sum of Rs.4,80,00,000/- in terms of the MoU. He is not willing to part with the share to which these petitioners are entitled to. The final tranche of payment of a sum of Rs.5,20,00,000/- is going to be received by Mr.Ramamurthy as per the MoU. If this amount is also taken away by Ramamurthy, these petitioners will be left with nothing and according to the petitioners each one of them are entitled for 1/4th share in the total sum of Rs.10 Crores. It is under these circumstances, the petitioners have approached this Court seeking to implead themselves as parties in the Criminal Revision Case and in order to receive



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their share from the amount that is paid to Ramamurthy under the MoU.

3. Heard Mr.T.R.Rajagopalan, learned Senior Counsel appearing on behalf of the petitioners and Mr.Shanmugasundaram, appearing on behalf of Ramamurthy.

4. The learned Senior Counsel appearing on behalf of the petitioners submitted that already a suit has been filed before this Court seeking for the recovery of money along with interest from the said Ramamurthy. In the suit, an application has also been filed for attachment. The suit is yet to be numbered, since leave has to be granted by this Court.

5. In view of the same, the learned Senior Counsel requested this Court to keep these petitions pending, awaiting for the orders to be passed in the attachment petition filed by the petitioners in the suit.

6. Per *contra*, Mr.Shanmugasundaram, the learned Senior Counsel appearing on behalf of Ramamurthy submitted that said Ramamurthy has taken all efforts to execute the MoU and during the final phase, the



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petitioners want to take advantage and receive the amounts to which they are not entitled to. The learned Senior Counsel submitted that the dispute between the Ramamurthy and the petitioners cannot be decided in this proceedings. Therefore, the learned Senior Counsel contended that there are absolutely no merits in these petitions.

7. In the considered view of this Court, this Court was entertaining the proceedings till now, only based on the MoU executed between the parties. In the said MoU, only the name of Ramamurthy finds place. In view of the same, the cheques were directed to be issued only in the name of Ramamurthy. Till now, a total sum of Rs.5,20,00,000/- has been handed over to the said Ramamurthy. Even the earlier payments were only made in favour of Ramamurthy and therefore, it is only logical to make the final payment also to Ramamurthy. The balance amount of Rs.5,14,80,000/- has already been drawn in favour of Ramamurthy by way of a cheque bearing No.000145 dated 19.09.2024. The cheque was also produced before this Court. Considering the present dispute, this Court directed that the cheque must be kept in the safe custody of the Registrar (Judicial), High Court of Madras.



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8. The dispute between the Ramamurthy and the petitioners is well beyond the scope of the present proceedings. If at all there is any claim on behalf of the petitioners against the said Ramamurthy, it has to be agitated separately in the manner known to law. It is made clear that the cheque will be handed over to Ramamurthy, bearing No.000145 for a sum of Rs.5,14,80,000/- dated 19.09.2024 , subject to any orders that may be passed in the attachment petition filed by the petitioners in the suit instituted by them.

9. The learned Counsel appearing on behalf of Ramamurthy shall receive the cheque from the Registrar (Judicial), High Court of Madras, to whom the cheque has been handed over during the previous hearing on 19.09.2024.

10. Except giving this clarity, no further orders can be passed in these petitions. Accordingly, these Criminal Miscellaneous Petitions are dismissed.

25.09.2024

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