IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2024

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.17198 of 2019

V.Veeramani ... Petitioner

Versus

1.State rep. By
Sub Inspector of Police
Central Crime Branch, Team-I,
Vepery, Chennai 7.

2.Mr.Subramani,
Managing Director,
M/s.Val-Met Engineering Pvt Ltd,
No.240, Sidco Industrial Estate,
Ambattur, Chennai 98. ... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in C.C.No.450 of 2018 pending on the file of the Metropolitan Magistrate for CCB & CBCID Cases at Egmore, Chennai – 8 and quash the same.

For Petitioner	:	Mr.M.Anandaraj
For Respondent 1	:	Mr.S.Vinoth Kumar, Government Advocate (Crl. Side)
For Respondent 2	:	Mr.M.Padmanabhan

ORDER

The petitioner has filed this Criminal Original petitions to quash the proceedings in C.C.No.450 of 2018 pending on the file of the Metropolitan Magistrate for CCB & CBCID Cases at Egmore, Chennai, in which cognizance was taken for the offence punishable under Section 420 of IPC.

2. The case of the prosecution is that H. Subramoni, the defacto complainant and Managing Director of VAL MET Engineering Pvt. Ltd., lodged a complaint before the Commissioner of Police, Vepery, Chennai. He stated that for business expansion, the petitioner was seeking a loan

from the bank. Through P.E. Krishnan, Director of Helios Sol Management Consultancy Pvt. Ltd., he was introduced to V. Veeramani, who promised to arrange a loan amount of Rs. 50 crores from M/s G7SDN BHD, a Malaysian company in which his uncle is one of the Directors of the Board. In furtherance of this promise, Veeramani obtained a total amount of Rs. 25.38 lakhs on 20.01.2015, 16.02.2015, and other dates for processing the loan and meeting other expenses like legal fees, insurance, and commission. He promised to repay the entire amount if the loan could not be arranged and gave an undertaking to this effect. We were regularly following up with Veeramani since then, and he kept assuring them. On April 20, 2016, he promised by email to return the total amount by 30.04.2016. Even after this date, he did not return the amount and visited our office in June 2016, promising to pay in the next 3 to 4 months. The petitioner and other accused persons have neither repaid the Rs. 25.38 lakhs nor arranged the promised loan, making it evident that they have been cheating us.

3. The learned counsel for the petitioner submitted that the

petitioner is innocent and has been falsely implicated in this case. He also submitted that the de facto complainant has already filed a private complaint based on the same set of facts before the learned XVIII Metropolitan Magistrate, Saidapet, Chennai in C.C.No.5655 of 2016, under Section 138 of the Negotiable Instruments Act (NIA). Summons were issued to the petitioner, and he has been appearing before the said Court. He further submitted that two parallel litigations for one set of facts against the same person are not sustainable either in law or in fact, and therefore, the present charge sheet filed by the respondent is liable to be quashed. Section 210 of the Cr.P.C. outlines the procedure to follow when there is a complaint case and police investigation in respect of the same offence. Hence, he prayed to quash the proceedings against him.

4. The learned Government Advocate (Crl. Side) appearing for the 1st respondent submitted that the offences under Section 420 of the IPC are entirely different from the proceedings initiated under Section 138 of the Negotiable Instruments Act. Admittedly, the main ingredient is a dishonest intention to defraud the claim of the complainant.

5. As per the prosecution case, the petitioner, on a false promise of arranging a loan, received a commission of Rs. 25,38,000/- through bank transfer from the de facto complainant. Thereafter, he neither arranged the loan amount nor returned the commission amount. As he cheated, the de facto complainant filed a complaint under Section 420 of the IPC, which is entirely different from the Section 138 NIA proceedings. The cheque issued as part liability of Rs. 22 lakhs was also dishonoured, leading to the initiation of such acts. The proceedings initiated against the petitioner under two different sections would not amount to overlap, therefore, this Court declines to quash the proceedings in C.C.No.450 of 2018 pending on the file of the Metropolitan Magistrate for CCB & CBCID Cases at Egmore, Chennai.

6. Accordingly, this Criminal Original Petition is dismissed.

7. However, as the petitioner is suffering from mental illness, his

personal appearance before the trial Court is ordered to be dispensed with, except when his presence is necessary. The petitioner sought more time to settle the issues. As rightly pointed out by the prosecutor, the offence can be compounded. In such circumstances, the respondent is directed to cooperate to settle the issues before the trial Court.

01.03.2024

Index: Yes/No
Internet: Yes/No
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To

1.The Learned Metropolitan Magistrate for CCB & CBCID
Egmore, Chennai 8.

2.The Sub Inspector of Police
Central Crime Branch, Team-I,
Vepery, Chennai 7.

3.The Public Prosecutor,
High Court of Madras.

T.V.THAMILSELVI, J.

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CRL.O.P.No.17198 of 2019

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