



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :02.07.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.OP.No.10687 of 2024

and

Crl.MP.No.7258 of 2024

1. Vasudevan
2. Sai Prasad
3. N. Lavanya
4. M/s.Ozone Projects Private Limited,
Alzoor Road, Bangalore,
Also at No.63, GN Chetty Road, T.Nagar,
Chennai 17
Authorized Signatory,
Mr.Ramesh Kumar Ravi.

... Petitioners

Vs

1. State Rep by
The Inspector of Police
Central Crime Branch -I,
Team -III, EDF-II, Chennai
(Cr.No.10 of 2024)

2.G.N.Pandian

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for records and to quash the proceedings in Cr.No.10/2024 on the file of the Inspector of Police, Central Crime Branch-I, Team-III, EDF-II, Chennai for offences under Sections 406 & 420 r/w.34 of IPC .



WEB COPY



For Respondents : Mr.S.Udaya Kumar for R1
Government Advocate (Crl.Side)

Mr.Thankasivan for R2.

ORDER

Petition is filed to quash the Cr.No.10 of 2024 on the file of the Inspector of Police, Central Crime Branch-I, Team-III, EDF-II, Chennai for the offences under Sections 406 & 420 r/w.34 of IPC .

2. Learned counsel for the petitioners would submit that the joint venture agreement between the defacto complainant and the 4th petitioner has run into the rough weather and therefore, invoking the arbitration clause, parties have resorted to arbitration. The award passed by the Arbitrator is now the subject matter of the petition under Section 34 of the Arbitration Act. Order is reserved after hearing submission of the parties. While so, the present complaint been filed suppressing several facts which clearly shows that the dispute is only civil in nature.

3. The learned counsel appearing for the defacto complainant submits that when the complainant has succeeded in the arbitration, instead of complying the award, under the guise of appeal under Section



WEB COPY

34 of the Arbitration Act, one of the properties which is the subject matter of the arbitration been sold dishonestly. Hence, the complaint cannot be considered as a purely civil dispute.

4. This court, after perusing the records and hearing the facts of the respective parties, without expressing any opinion, dismiss the quash petition holding that there is a prima facie material for the police to investigate the matter. The pendency of the appeal under Section 34 of the Arbitration Act may not take away the element of criminality which has been projected in the complaint. It is for the Investigation Officer to investigate the matter and arrive at a conclusion in accordance with law. Consequently, connected miscellaneous petition is closed.

02.07.2024

Index: Yes/No
Speaking/Non-speaking Order
gv

Dr.G.JAYACHANDRAN,J.



WEB COPY



Gv

1. The Inspector of Police
Central Crime Branch -I,
Team -III, EDF-II, Chennai
(Cr.No.10 of 2024)
2. The Public Prosecutor,
High Court of Madras,
Chennai.

**Crl.OP.No.10687 of 2024
and
Crl.MP.No.7258 of 2024**

02.07.2024