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CrI.O.P.No.15254 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2024

CORAM

THE HONOURABLE DR.JUSTICE **G.JAYACHANDRAN**

CrI.O.P.No.15254 of 2024

and

CrI.M.P.No.9333 of 2024

Nishanth Chandran

... Petitioner

Vs.

1.The State Rep.by  
The Assistant Commissioner of Police,  
Valasaravakkam Range,  
Ramapuram,  
Chennai-600 089.  
[CCB Crime No.319/2023]

2.The Inspector of Police,  
Valasaravakkam Police Station,  
Ramapuram,  
Chennai

3.P.V.Sathya Narayanan  
Respondents

...

**Prayer:** Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to call for records pertaining to the FIR registered in Crime No.319 of 2024 pending on the file of the rInspector of Police, Valasaravakkam Police Station, Chennai and quash the proceedings in so far as they relate to the petitioner.



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CrI.O.P.No.15254 of 2024

For Petitioner : Mr.G.Vairavasubramanina

For R1 & R2 : Mr.K.M.D.Muhilan  
Government Advocate (CrI.Side)

### **ORDER**

On a complaint given by the Managing Director one M/s.Onerouf Resources Private Limited, a case has been registered in Crime No.319 of 2024 on 22.04.2024 against Nishanth Chandran and Sasikumar. The petitioner herein / Nishanth Chandran is a named accused, who is the Chief Executive Officer in M/s.GFM Retail Private Limited.

2. The complaint reveals that under the guise of grabbing franchise, huge amount has been collected from the complainant as well as others, thereby the accused persons have committed cheating and deception by false representation. Hence the case has been registered for the offence under Sections 406 & 420 IPC. Contending that the complaint is not fit for investigation and the information furnished in the complaint does not form part of any ingredient to attract offence under Sections 406 & 420 IPC, the present petition is filed to quash the proceedings.



CrI.O.P.No.15254 of 2024

3. The learned counsel appearing for the petitioner submitted that it is a dispute between the principal and agent regarding a contract therefore, it is purely a civil dispute and even according to the complaint it is dispute arising out of granting franchise and therefore, a complaint has to be quashed and in any event the accused company has already referred to NCLT in CP(IB)189/(CH3/2023) and therefore, the complaint has been quashed.

4. On considering the averments made in the complaint as well as the order made by the NCLT, it is clear that under the guise of offering franchise, money been collected from several persons and thereafter, the company has invoked the provision of IPC, which is now the subject matter of NCLT proceedings. The *modus operandi* found in the complaint does not inspire to hold the transaction was purely civil in nature. It is for the Investigating Agency to complete the investigation and find out the truth. This suit is prematured for the Court to decide whether it is civil dispute arising out of contract.

**Dr.G.JAYACHANDRAN,J.**

rpl



Crl.O.P.No.15254 of 2024

5. Hence this Criminal Original Petition to quash is dismissed.

Consequently, the connected Criminal Miscellaneous Petition is also dismissed. The petitioner shall resort to redressal available under law after completion of investigation and filing of final report.

**01.07.2024**

Index : Yes/No

Neutral Citation : Yes/No

rpl

To

1.The Assistant Commissioner of Police,  
Valasaravakkam Range,  
Ramapuram,  
Chennai-600 089.

2.The Inspector of Police,  
Valasaravakkam Police Station,  
Ramapuram,  
Chennai

3.The Public Prosecutor,  
High Court of Madras, Chennai.

Crl.O.P.No.15254 of 2024