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Crl.O.P.No.13888 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.11.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No.13888 of 2024 and

Crl.M.P.No.8456 of 2024

1.M/s.Sterling Holiday Resorts Limited

Represented by its Vice President (Legal) and

Authorized Signatory

Ramesh Shanmugam, S/o.Shanmugam

Having Office at, No.236, 4th Floor, Purva Primus,

Okkiyampettai, Old Mahabalipuram Road,

Thoraipakkam, Chennai - 600 097

2. Vikram Dayal Lalvani

3. Chitra

4. Latha Ramanathan

5. Madhavan Menan @ Madhavan Karunakaran Menon

6. Sumit Maheswari

7. Pravir Kumar Vohra

... Petitioners

Vs.

1. The State Represented by

Inspector of Police

EDF-II, Beta-3, Central Crime Branch

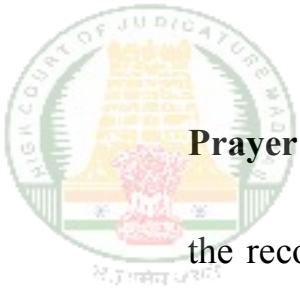
Chennai City Police Commissionerate

132, EVK Sampath Road, Vepery, Periyamet,

Chennai - 600 007

2. T.Velurugan

... Respondents



Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records and to quash the F.I.R. registered by the 1st respondent police in Crime No.113 of 2024.

For Petitioners	: Mr.S.R.Rajagopal Senior Counsel for Mr.V.Suresh
For 1 st Respondent	: Mr.S.Sugendran Additional Public Prosecutor
For 2 nd Respondent	: Mr.K.Gandhikumar

ORDER

This Criminal Original Petition has been filed by the petitioners to quash the FIR registered by the 1st respondent police in Crime No.113 of 2024 based on the complaint given by the 2nd respondent alleging that the petitioners after collecting money towards membership for providing hotel accommodation in their resort, denied accommodation when the 2nd respondent contacted them.

2. The learned Senior Counsel appearing for the petitioners submitted that it is a only contractual liability and therefore, Section 482 Cr.P.C. cannot



be invoked for breach of contract. Further, there is no material to show prima facie allegations for investigation and therefore, the FIR registered against the petitioners in Crime No.113 of 2024 has be to quashed.

3. Heard both sides and perused the FIR.

4. Admittedly, the first part of allegations in the FIR is with regard to contractual liability i.e. non allotting of rooms to members, payment of subscription, breach of contract etc. and therefore, it is for the defacto complainant to work out his remedy for the contractual liability. However, the second part of allegation is that the petitioners have cheated the members and allotted rooms to individuals and non-members for higher rent.

5. Therefore, the interim stat already granted by this Court on 13.06.2024 stands vacated.

6. The respondent police is directed to proceed with the investigation and file charge sheet before the concerned Magistrate within a period of one month i.e. on or before 13.12.2024 and a copy of the charge sheet shall be produced before this Court on 16.12.2024.



7. With the above directions, this Criminal Original Petition is disposed

of. Consequently, the connected Miscellaneous Petition is closed.

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8. List the matter on **16.12.2024 "for reporting compliance"**.

12.11.2024

Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

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Note: Issue Order Copy on 13.11.2024.

To.

1. The Inspector of Police

EDF-II, Beta-3, Central Crime Branch

Chennai City Police Commissionerate

132, EVK Sampath Road, Vepery, Periyamet,

Chennai - 600 007

2. The Public Prosecutor,

High Court of Madras.



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P.VELMURUGAN. J.

Ksa-2

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