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Crl.O.P.Nos.14059 & 14169 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.Nos.14059 & 14169 of 2023
& Crl.M.P.Nos.8686 & 8787 of 2023

Crl.O.P.No.14059 of 2023

Mr.Radhakrishana Parakkat K Menon,
S/o. Kukhikrishna Kallanamarthodiyal Menon,
Aged about 79 years
Company Secretary,
M/s.East Coast Steel Limited,
Having corporate office at Mittal Tower,
'A' Wing, 16th Floor, Nariman Point,
Mumbai – 400 021. ... Petitioner

/versus/

1. State Represented by
The Inspector of Police,
CB CID Police Station,
Puducherry – 605 005. ...Respondent

2. Suresh Kumar Jalan,
C/o Servo Packaging Limited,
88/1, Pondy Cuddalore Main Road,
Manapet Post, Kattukuppam,
Puducherry – 607 402. ... Respondent/Defacto Complainant

Prayer: Criminal Original Petition has been filed under Section 482 of Cr.P.C.,
to call for the records connected with FIR No.6 of 2023 pending on the file of
the Inspector of Police, CB CID Police Station, Puducherry, 1st respondent and
quash the same.



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Crl.O.P.Nos.14059 & 14169 of 2023

For Petitioner : Mr.R.Sankaranarayanan, Senior Counsel,
for Mr.N.P.Vijay Kumar.

For R1 : Mr.K.S.Mohan Das,
Public Prosecutor, Puducherry.
Assisted by Ms.N.Dhanalatchoumy

For R2 : Mr.K.Jayachandar

Crl.O.P.No14169 of 2023

Mrs.Sharmila Sudip Chitale,
D/o. Arvind Rajaram Renuse,
Aged about 56 years,
Director
M/s.East Coast Steel Limited,
Having corporate office at Mittal Tower,
'A' Wing, 16th Floor, Nariman Point,
Mumbai – 400 021.

... Petitioner

/versus/

1. State Represented by
The Inspector of Police,
CB CID Police Station,
Puducherry – 605 005.

...Respondent

2. Suresh Kumar Jalan,
C/o Servo Packaging Limited,
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For Petitioner : Mr.R.Sankaranarayanan, Senior Counsel,
for Mr.N.P.Vijay Kumar.

For R1 : Mr.K.S.Mohan Das,
Public Prosecutor, Puducherry.
Assisted by Ms.N.Dhanalatchoumy

For R2 : Mr.K.Jayachandar

COMMON ORDER

These Criminal Original Petitions are filed by the accused to quash the F.I.R No.6 of 2023 on the file of 1st respondent police.

2. This Court, on 26.06.2023 directed the police to proceed with the investigation but filing of final report alone was stayed.

3. In the meanwhile, the Petitioner/Inspector of Police, CBCID, Puducherry has filed Crl.M.P.Nos.10913 & 10915 of 2024 seeking permission to file Referred Charge Sheet since their investigation has led to a conclusion that the complaint is mistake of fact and civil in nature.

4. The Learned Counsel appearing for the 2nd respondent/defacto complainant states that on a perfunctory investigation, Referred Charge sheet



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without proper consideration of the material placed before the Investigating Officer been filed.

5. This Court is of the view that if the defacto complainant has any grievance regarding referred charge sheet, it is open to him to file protest petition before the concern Magistrate and work out his remedy.

6. As far as the case in hand is concerned, without advertng to the merits of the quash petition, taking note of the fact that the police has completed the investigation and ready with report, it is appropriate to permit them to file referred charge sheet before the concern Judicial Magistrate, for the Court to take note of it and proceed in the manner known to law, after serving notice to the defacto complainant.

7. With this observation, these Criminal Original Petitions are disposed of. Consequently, connected Miscellaneous Petitions are closed.

31.07.2024

Index : Yes/No.
Neutral Citation : Yes/No.
bsm



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Copy to:-

1. The Inspector of Police, CB CID Police Station, Puducherry – 605 005.
2. The Public Prosecutor (Puducherry), Madras.



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Dr.G.JAYACHANDRAN,J.

bsm

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