



Crl.O.P.No.15238 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:23.04.2024

Coram:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.15238 of 2023

and

Crl.M.P.No.14899 of 2021

1.Sriramalu
2.Nirba Sriramalu
3.Pranav Sriraman
4.Ramesh
5.Suganthi Ramesh
6.Vallavanur Subramaniya Pattabiraman .. Petitioners

/versus/

1.State of Tamil Nadu
Rep.by Inspector of Police,
Central Crime Branch,
Coimbatore City,
Coimbatore, Tamil Nadu.

2.R.Sureshkumar .. Respondents

Criminal Original Petition has been filed under Section 482 of Cr.P.C., to call for the entire records relating to the FIR in Cr.No.24 of 2023 on the file of the Inspector of Police, Central Crime Branch, Coimbatore City (1st Respondent) and quash the same.



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For Petitioners :Mr.R.Parthasarathy
Senior Counsel for
Mr.Rahul Balaji

For Respondents :Mr.K.M.D.Muhilan
Government Advocate
(Crl.Side) for R1
Mr.D.Selvam for R2

ORDER

The Criminal Original Petition is filed to quash the FIR in Crime No.24 of 2023 on the file of the first respondent on the ground that the First Information Report was registered based on a complaint given by one Suresh Kumar alleging that, for the coal supplied to the Vijayalakshmi Paper Mills Limited and Dhanalakshmi Paper Mills Limited, managed and administered by the petitioners, had failed to repay the money and therefore, there is an element of conspiracy, breach of trust and cheating. When the defacto complainant demanded the money back, they threatened him and thus, offences under Sections 120B, 406 , 420 and 506(i) of IPC gets attracted.



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2. The learned Senior Counsel appearing for the petitioners would submit that infact, no coal was supplied and the First Information Report does not disclose the details of goods sold and delivered. Further, for the transaction of the year 2016-2017, the present complaint been lodged on 27.06.2023, which would clearly indicate that there was no criminal intention of cheating the suppliers. The learned Senior Counsel also submitted that one of the company by name Dhanalakshmi Paper Mills Ltd., has been undergone revival process and pursuant to that, resolution professional was appointed based on the approval of the Resolution Plan under Sections 30 and 31 of the I & B Code. The complainant had participated in the proceedings and had received his proportionate due payable under the plan. The learned Senior Counsel also submitted that the alleged transaction of sale of coal was to the registered company. Whereas, the complaint is not against the company. Hence, the complaint is not maintainable.



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3. The learned counsel appearing for the second respondent/defacto complainant submitted that the complaint is not an encyclopaedia of all ingredients required for the claim. The defacto complainant is ready to produce the documents and evidence necessary to show that he had been cheated by them.

4. The learned Senior Counsel appearing for the petitioners submitted that it is purely a civil transaction, which has been given a criminal colour.

5. From the complaint, which carries ingredient for the offence under Sections 120B, 406, 420 and 506(i) of IPC, it is seen that the investigating officer should collect materials and arrive at a right conclusion, based on the evidence collected in the course of investigation. The parties shall participate in the investigation and produce necessary documents to substantiate their case. If there is no element of criminality, the Investigating Officer shall take an appropriate decision and file final report intimating the same to the defacto complainant. The Investigating Officer shall complete the



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investigation preferably within a period of three months from the date of receipt of a copy of this order.

6. With the above observations, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is also dismissed.

23.04.2024

Index:yes/no
Neutral Citation:yes/no
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To:
The Inspector of Police,
Central Crime Branch,
Coimbatore City,
Coimbatore, Tamil Nadu.



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DR.G.JAYACHANDRAN,J.

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