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Crl.O.P.No. 20398 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :09.01.2024

CORAM :

THE HON'BLE MRS. JUSTICE T.V. THAMILSELVI

Crl.O.P.No.20398 of 2022
and
Crl.M.P.No.13378 of 2022

Kim Jehyeong

... Petitioner

Versus

1.The State Rep by
The Inspector of Police,
Central Crime Branch,
Avadi.
Crime No.12 of 2022

2.T.Dharmalingam

... Respondents

Criminal Original Petition filed Under Section 482 of the Code of Criminal Procedure, praying to call for the records of the impugned FIR in Crime No.12 of 2022, on the file of the 1st respondent and quash the same.

For Petitioner	: Mr.B.Manoharan for M/s.Govind Chandrasekhar
For R1	: Mr.S.Vinoth Kumar Government Advocate Crl.Side
For R2	: Mr.R.JohnSathyan, Senior Counsel for Mr.D.Chandrasekar



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ORDER

The petitioner has filed this petition to call for the records in Crime No.12 of 2022 pending on the file of the 1st respondent.

2. The case of the prosecution is that the petitioner / A4 is running a Korean based Automobile Company. The defacto complainant / 2nd respondent is a Sub-Contractor under the petitioner. The petitioner approached the defacto complainant for construction work. After completion of work, the petitioner failed to settle the amount, thereby, cheated him to the tune of Rs.5.02 Crores. Hence, the case has been registered in Crime No.12 of 2022, for the offences under Sections 406 & 420 of IPC, on the file of the 1st respondent.

3. The learned counsel for the petitioner submitted that the defacto complainant had filed a suit in C.S.No.400 of 2020, claiming a sum of Rs.5,02,71,755. On 03.06.2021, the above suit was withdrawn, as settled out of Court. A sum of Rs.76,00,000/- was paid to the defacto complainant on 14.06.2021. These facts have been suppressed in the FIR. He further submitted that withdrawal of the suit pursuant to the settlement entered into between the defacto complainant and the petitioner and payments made thereafter would go on to show that there are no dues payable by the



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petitioner. Hence, the allegation against the petitioner is clearly absurd and untenable claim. Hence, he prays to quash the FIR.

4. The learned Government Advocate (Crl.Side) appearing for the 1st respondent submitted that the petitioner submitted that the defacto complainant has chosen to suppress the suit filed by him and settlement had taken place pursuant to it, which would show that criminal law has been set in motion for oblique purpose. He further submitted that the petitioner has cheated more than 5 crores and he has also not complied the bail conditions. He further submitted that the petitioner belongs to other nations and it is only at the preliminary stage which needs further investigation. Hence, he opposed to quash the proceedings.

5. Considering the submission made by the learned Government Advocate (Crl.Side) and the fact that the amount involved is more than Rs.5 crores, and it needs detail investigation. Hence, this Court is not inclined to quash the proceedings.

T.V.THAMILSELVI, J.



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6. Accordingly, this Criminal Original Petition is dismissed.

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Consequently, connected miscellaneous petition is closed.

09.01.2024

Index : Yes/No

Speaking/Non Speaking order

Neutral Citation: Yes/No

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To

1. The Inspector of Police,
Central Crime Branch, Avadi.
Crime No.12 of 2022

2. The Section Officer,
VR-Section, High Court of Madras.

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and
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