



Crl.O.P.No.22880 of 2022
and Criminal Revision Case No.1577 of 2022

N.ANAND VENKATESH, J.,

When these matters were taken up for hearing, the learned counsel appearing on behalf of S.Abdul Rawoof and P.Ramamurthy submitted that the entire formalities have been completed. This statement was also affirmed by the learned counsel for the petitioners.

2. The learned counsel appearing on behalf of the 2nd respondent who is the representative of the legal heirs of the defacto complainant presented / filed an affidavit before this Court.

3. The learned counsel appearing for the petitioners wanted this affidavit to be extracted as part of this order in order to clear a false picture that is attempted to be painted against the petitioners.

4. Considering the above submission, the affidavit filed by the 2nd respondent who is the representative of the legal heirs of the defacto complainant is extracted hereunder:-

*“I, Sathak Ahmed Shaw S/o. Late M.S
Hameed, residing at No. 37, Veerapathiran street,
Nungambakkam, Chennai 600034 do hereby*



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solemnly affirm and sincerely state as follows:-

1. I state that my father Mr. M.S Hameed had filed a private complaint u/s 190

(1) (b) Cr.Pc, as the dispute private in nature and purely between my father and Mr. Dhanraj Kochar in the year 2006. I state that thereafter my father M.S Hameed passed away/died on 22.8.2008.

2. My father also filed a civil case in C.S No. 600/2006, the plaint was returned by the court, thereafter he filed O.S No. 317/2007 on the files of Additional district judge chengalpet, the same was also dismissed vide judgement dated 5.10.2009 on merits, whereby Dhanraj Kochar & family were declared as undisputed owners of the property, The said Judgement was challenged by way of appeal in A.S No.1002/2009 on the files of Division bench of Madras High court, the said appeal was withdrawn as dismissed and that the judgement in O.S No. 317/2007 had attained finality.

3.The Above said criminal case was filed by my father against Mr. Dhanraj Kochar & his family members, on the allegation that my father personally invested about 1.71 crores (one crore seventy one lakhs only) into the company bank account and withdrawing the monies the said



amount was used by Mr. Dhanraj Kochar. The police have registered FIR No. 815/2006 and the Judicial Magistrate, Aladur has taken cognizance of the criminal case in C.C. 530 of 2007.

4. I state that by the order of the Hon'ble Madras High court in Crl Rc No. 684/2015 and 922/2015, I was directed to assist the prosecution and to represent the entire Legal hier of my father Late Mr. M.S Hameed and I have been declared as a Victim by the Hon'ble Madras High Court vide orders in Crl Mp No.2/2015 in Crl Op No.15866/2015 vide order dated 24.7.2015.

5. I state that vide an order dated 01.11.2017 convicted Mr. Dhanra Kochar and his family members. Against the said order, an appeal was filed in Criminal Appeal No. 82 of 2017 and in the appeal, Additional evidence was further adduced by the said Dhanraj Kochar & others, upon the directions of Hon'ble High Court. The said Mr. Dhanraj Kochar & others exhibited 18 documents and on further cross examinations, from evidences it was brought to our notice that my father Mr. MS Hameed had withdrawn monies from the company bank account and further on contra there is no evidence that Dhanraj Kochar had withdrawn monies from company bank account. After verification of accounts, it is seen that Dhanraj



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Kochar has not withdrawn any monies.

6. Apart from my father, Dhanraj Kochar made some deposit but no other person invested even a pie. Mr. Abdul Rawoof had not invested any monies in whatsoever manner.

7. On my personal verification, there are no signatures of Mr. Dhanraj Kochar in any of the sale deeds. All the sale deeds were signed by the Authorized signatory by way of board resolutions.

8. I state that I had filed an FIR No. 73/2018 as against all the members of Kochar family who were involved in the Development agreement with M/s. Lanco horizon properties as if the entire property was sold for 25 crores, whereas after the high court quashed the said FIR, I realized that no property has been alienated by the Dhanraj Kochar & his family, Hence we are not a victim towards the transaction of development agreement dated 23.5.2007.

9. The entire case is an Ego clashes between two directors of the company namely my father & Dhanraj Kochar. The said matter is also purely Civil in Nature. Hence on advice of elders and well-wishers and to attain peace, we have compromised the entire issues with Kochar family and we have also filed a compounding petition in Crl Rc No.1577/2022 on the files of Madras High court.



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Hence I have no objection in quashing/withdrawing the entire case/disputes which is arising therefrom FIR No. 815/2006, as I have no claim from the said Mr. Dhanraj Kochar & his family.

10. I have also executed and issued a letter to Directorate of enforcement by registered post on 10.10.2022, that I am no more a victim and that the private matter cum Civil Dispute between both the families have been amicably settled and the entire matter is put to quietus. The source of the funds used by Kochar family members for purchasing their respective property from D.R foundations and estates pvt ltd is accepted and confirmed. Hence there arises no criminality in whatsoever manner. I have also verified all the accounts of the same to my satisfaction.

11. This Affidavit is sworn on my free will and consent & without any pressure or coercion and undue influence; I have executed this Affidavit in my sound state of mind.

12. My above statement can also be treated as statement recorded u/s 50 Pml act and used for all proceedings culminating from ECIR No. CEZO/1/39/2021.”

5. In the light of the orders passed in Crl.M.P.Nos.5433, 5436 and 5438 of

<https://www.mhc.tn.gov.in/judis>



2024 dated 25.09.2024, there shall be a direction to the 6th respondent viz., Ramamurthy to issue a receipt to the 3rd respondent towards receiving the cheque issued in his favour bearing No.000145 dated 19.09.2024 for a sum of Rs.5,14,80,000/-.

6. The accused persons had paid the fine amount pursuant to the Judgment of conviction and sentence passed by the learned Judicial Magistrate, Alandur in C.C.No.530 of 2007 dated 01.11.2017.

7. In the light of the subsequent developments, it is left open to the accused persons to file a memo before the concerned Court, seeking for withdrawal of the fine amount deposited by them. The said memo shall be entertained and they shall be permitted to withdraw the fine amount deposited by them in C.C.No.530 of 2007 on the file of the Judicial Magistrate, Alandur.

8. Recording the above all, the proceedings are closed.

25.09.2024

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25.09.2024