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Crl.O.P.No.20375 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2024

CORAM

THE HONOURABLE DR.JUSTICE **G.JAYACHANDRAN**

Crl.O.P.No.20375 of 2024

1.R.Nagarajan

2.N.Amutha

... Petitioners

Vs.

1.State Rep.by
The Inspector of Police
Central Crime Branch,
EDF II Team,
Avadi,
Chennai-600 054.

2.The Inspector Of Police
Central Crime Branch,
Team Forgery,
Avadi,
Chennai-600 054.

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to direct the respondents police not to harass the petitioners on the basis of the false complaint given by the said Sathish.

For Petitioners : Mr.S.Devendran

For Respondents : Mr.S.Udayakumar
Government Advocate (Crl.Side)



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ORDER

The petitioner and one Sathish being the Directors of the company by name M/s Weston Lifts Private Limited had some problem in maintaining the share capital. The complaint been filed by the said Sathish, alleging that the company's share has been fraudulently transferred to the petitioner's wife name. In this connection, the police has called the petitioner herein for enquiry. Alleging that it is a civil dispute, the present petition is filed seeking protection from harassment.

2. The learned Government Advocate (Crl.Side) appearing for the respondent police submits that the M/s Weston Lifts Private Limited was initially incorporated by 5 Directors. Later 3 retired leaving the remaining 2 namely Nagarajan, the petitioner herein and Sathish Kutty, the defacto complainant to run the company. To the Commissioner of Police, Avadi in petition No.1834 of 2024 complaint is against the petitioners. To verify whether there is any falsification of valuable security, the presence of the petitioner is required. Instead of cooperating with the enquiry, the petitioner has come before this Court alleging



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police is interfering in the civil matter and harassing.

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The detailed argument made by the learned counsel for the petitioner and the documents relied indicates that the private limited company with authorized share capital is now under dispute. Particularly, on the allegations that the share certificates been fraudulently transferred. It is also found from the record that the petitioner herein has moved the National Company Law Tribunal and the matter is pending. However, the said pendency will not prevent the police from investigating the complaint regarding falsification of valuable security and misappropriation. The petitioner is expected to participate in the enquiry and submit documents to rule out any commission of cognizable offence. The enquiry initiated by the respondent police cannot be construed as harassment, when a grave allegations of misappropriation and falsification of record been made out. Hence this Criminal Original Petition stands dismissed.

22.08.2024

Neutral Citation : Yes/No

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Dr.G.JAYACHANDRAN,J.

rpl

To

1.The Inspector of Police
Central Crime Branch,
EDF II Team,
Avadi,
Chennai-600 054.

2.The Inspector Of Police
Central Crime Branch,
Team Forgery,
Avadi,
Chennai-600 054.

3.The Public Prosecutor,
High Court of Madras,
Chennai.

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