IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2024

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.2154 of 2022
and
Crl.M.P.Nos.944 & 945 of 2022

K.Sakthi Rahul ... Petitioner

Vs.

1.The State Represented by
The Inspector of Police,
District Crime Branch,
Erode

2.The Union Bank of India,
Represented by its Branch Manager,
Shakthi Road,
Erode. ... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the records pertaining to C.C.No.286 of 2022 on the file of Judicial Magistrate II, Erode and to quash the same.

For Petitioner	: Mr.K.Sarath Chandran
For R1	: Mr.S.Vinoth Kumar Government Advocate (Crl. Side)
For R2	: Mr.T.Govindasamy

O R D E R

The petitioner has filed this petition to quash the CC.No.286 of 2020 on the file of Judicial Magistrate II, Erode, having been taken cognizance for the offences punishable under Sections 120-B, 419, 420, 466, 468, 471 read with section 34 IPC.

2. The learned counsel for the petitioner submitted that the petitioner had entered into a partnership with one R.shanmughasundaram / A1 under the name and style of Bharath Oil Mills since 26.03.2006. On 29.09.2007, the firm was reconstituted under a fresh deed, and one K. Subramaniam / A2 was inducted into the firm apart from the aforesaid two partners. The induction of A2 was at the behest of A1. As disputes immediately arose regarding the induction of A2, the petitioner resigned from the partnership on 30.09.2007. The partnership was reconstituted with A1 and A2 with effect from 01.10.2007. He further submitted that there is no basic ingredient to attract the offences under Sections 120-B, 419, 420, 466, 468, 471 read with section 34 IPC. Hence, he prays to quash the proceedings in C.C.No.286 of 2021.

3. The learned counsel for the respondents submitted that the specific overt act against the petitioner is from the starting A1 and A3 are the partners in Bharath Oil Mill. A2 signed in the partnership knowing fully well that A2's original name is Tr.K.Chandrasekaran and he is signing instead of Tr.K.Subramaniayam. On 29.09.2007 A1, A1 & A3 have created a partnership deed and on 30.09.2007, A3 resigned from the partnership and created a release deed. On 01.10.2007 A1 and A2 had created a partnership deed and left A3. Thereafter on 09.05.2008, on Tr.Vanamuthu, Chief Manager of Union Bank of India went to the inspection at the Mill premises and at the time it revealed that A3 operating the Mill in the absence of A1 & A2. So the above release deed of the partnership is fake. A3 is aware of the above facts and signed in the deed document. Hence, he vehemently opposed to quash the proceedings.

4. On seeing the final report, the specific overt act against the petitioner is fabrication of the records and also obtained loan of a sum of Rs.18 lakhs in the year 2008 and also considering the gravity of offences, I do not fine any reason to quash the proceedings against the petitioner.

T.V.THAMILSELVI, J.

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5. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

14.02.2024

Index: Yes/ No
Neutral Citation: Yes/No
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