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CrI.R.C.No.2257 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CrI.R.C.No.2257 of 2023

Tae Hyup Kim

... Petitioner

Vs.

State represented by
The Sub-Inspector of Police,
District Crime Branch,
Kancheepuram.

... Respondent

PRAYER: Criminal Revision Petition filed under Sections 397cr/w. 401 Of Criminal Procedure Code to set aside the order dated 20.11.2023 passed in CrI.M.P.No.2139 of 2023 on the file of the learned Judicial Magistrate No.I, Kancheepuram.

For Petitioner : Mr.V.Sureshkumar

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor



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ORDER

This criminal revision petition is filed to set aside the order dated 20.11.2023 passed in Crl.M.P.No.2139 of 2023 on the file of the learned Judicial Magistrate No.I, Kancheepuram.

2.The contention of the learned counsel for the petitioner is that the petitioner is an accused in Crime No.5 of 2022 for the offence under Sections 403, 477A, 506(i), 379 and 420 IPC. The petitioner moved a petition seeking anticipatory bail before this Court in Crl.O.P.No.28407 of 2022 stating that there was a dispute between the partners. The defacto complainant in this case is another partner of partnership firm M/s.Hanin Enterprises Private Limited. This Court while considering the anticipatory bail petition in Crl.O.P.No.28407 of 2022 on 05.01.2023 directed the petitioner to deposit a sum of Rs.30 lakhs to the credit of Crime No.5 of 2022 within a period of six weeks and the petitioner was also directed to surrender his passport before the Trial Court. When the anticipatory bail petition was again taken up for consideration on 02.03.2023, it is recorded



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that the petitioner has deposited Rs.30 lakhs and also surrendered his passport before the learned Judicial Magistrate No.I, Kancheepuram. This Court also recorded that as regards return of passport, the petitioner was to file appropriate petition seeking return of passport from the concerned Judicial Magistrate Court. In the meanwhile, the petitioner filed a quash petition in Crl.O.P.No.20511 of 2023. This Court referred the matter to the National Lok Adalat held on 14.09.2024 wherein compromise recorded and Crl.O.P.No.20511 of 2023 was disposed of by quashing the FIR in Crime No.5 of 2022. Thereafter, the petitioner filed a petition seeking return of passport in Crl.M.P.No.2139 of 2023 before the learned Judicial Magistrate No.I, Kanchipuram. The Trial Court by order dated 20.11.2023 dismissed the petition which is not proper. Hence, the above revision petition filed.

3.The learned Additional Public Prosecutor submits that it is a business dispute between the partners and when the anticipatory bail petition filed by the petitioner was taken up for hearing, this Court directed the petitioner to deposit Rs.30 lakhs and also to surrender his passport before the Trial Court which the petitioner complied with and thereafter,



anticipatory bail granted to the petitioner. In the meanwhile, the petitioner filed a quash petition in Crl.O.P.No.20511 of 2023 to quash Crime No.5 of 2022 which was referred to Lok Adalat wherein the issue got resolved between the partners on 14.09.2024 and compromise recorded and Crl.O.P.No.20511 of 2023 was disposed of by quashing the FIR in Crime No.5 of 2022. He would further submit that now the respondent police have to formally record the same and closed Crime No.5 of 2022 but it has to be verified with the defacto complainant for the steps taken and soon appropriate decision will be taken in this regard. He further submitted that in view of the compromise entered, the respondent police might have no serious objection for returning the passport of the petitioner.

4.Considering the submissions made and on perusal of the materials, it is seen that it is a dispute between the partners in a partnership firm and further, compromise entered between the petitioner and the defacto complainant and now FIR in Crime No.5 of 2022 stands quashed. Hence, this Court is inclined to direct the Trial Court to return the passport of the petitioner. Accordingly, the impugned order passed by the Trial Court in



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Crl.M.P.No.2139 of 2023 is set aside. The petitioner is directed to file a memo before the Trial Court giving details of mobile particulars, email id and a copy of the memo also to be served to the District Crime Branch, Kanchipuram. On filing of such a memo, the Trial Court is directed to return the passport of the petitioner.

5.In the result, the Criminal Revision Petition stands allowed.

22.10.2024

Index:Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation: Yes/No
cse



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M.NIRMAL KUMAR, J.

cse

To

- 1.The Sub-Inspector of Police,
District Crime Branch,
Kancheepuram.
- 2.The Judicial Magistrate No.I,
Kancheepuram.
- 3.The Public Prosecutor,
High Court, Madras.

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