



Crl.O.P.(MD)No.18978 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.18978 of 2024

and

Crl.M.P.(MD)No.11745 of 2024

1.K.Vignesh
2.Thenmozhi

: Petitioners

Vs.

1.The State of Tamil Nadu,
Represented by
The Inspector of Police,
Karur Town Police Station,
Karur District.

2.G.Navaneethan

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C./ 528 of BNSS, to call for the records pertaining to the impugned summon bearing No.Nil, dated 22.10.2024 on the file of the first respondent police and quash the same as illegal.

For Petitioners : Mr.B.Shankar Ganesh

For R1 : Mr.K.Sanjai Gandhi
Government Advocate (Crl. side)

ORDER

This Criminal Original Petition is filed to quash the impugned summon bearing No.Nil, dated 22.10.2024 on the file of the first respondent police.



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2.The contention of the petitioners is that the petitioners are the relatives and they are running a registered partnership firm in the name and style of “V-Best Engineers” and they have also engaged in electrical contract work for the Government. The petitioners' firm is a class-1A ranked the Government contractor and one of the reputed contractor. The second respondent/defacto complainant is a financier who was interested in starting a business of a similar nature, had approached the first petitioner to know the nuances of the business and was also interested in making some investments and becoming a partner in the petitioners' firm. Though he had agreed to invest a sum of Rs.10 crores and share the profit at the rate of 30%, believing the words of the second respondent, the petitioners' firm permitted the second respondent to handle the projects of the petitioners' firm and he was also permitted to operate the bank account of the said firm. To felicitate the same, a power of attorney was also executed on 20.05.2022. Later, it came to know that the second respondent had misappropriated and swindled the petitioners' business to a large extent and hence, there was some misunderstanding between them. The second respondent suppressing all these facts had lodged a complaint with the first respondent. Earlier, the petitioner had lodged a complaint with the Commissioner of Police, Trichy and also forwarded an online complaint



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on 09.10.2024. As a counter blast, the present complaint has been lodged by the second respondent and summons were received. The respondent police ought not to have interfered with the business disputes and that too between the partners and the petitioners were forced to execute documents and also to accept unreasonable demands of the second respondent. The second petitioner is a senior citizen with health ailments and she is under care of the first petitioner.

3.The learned Government Advocate (Crl.side) submitted that, in this case, on the complaint of the second respondent, summons has been served to the petitioners to appear for enquiry. The petitioners can very well appear for enquiry and give their explanations along with the supporting materials, if any. Thereafter, on the enquiry, appropriate steps would be taken. The second petitioner being a lady, her presence is not required. As regards the first petitioner, if he is otherwise held up the documents for enquiry, initially he can send the document and also submit a written explanation, thereafter, if required the first petitioner's presence can be insisted.

4.The learned counsel for the petitioners fairly submitted that the first petitioner is ready to appear before the respondent police on



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13.11.2024 without fail. As regards the second petitioner, she is a lady and sought for exemption.

5.In view of the above, this Court directs the first petitioner to appear before the respondent police on **13.11.2024** to give his explanation along with the supporting materials if any available. The respondent police is also reminded that it appears to be a primary dispute between the partners and not to get involved in a commercial between the partners unless any *prima facie* case otherwise is made out.

6.With the above directions, this petition is disposed of. Consequently, connected miscellaneous petition is closed.

04.11.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
sjj

Note: Issue order copy on 06.11.2024.

To

1.The Inspector of Police,
Thirupullani Police Station,
Ramanathapuram District.



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2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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M.NIRMAL KUMAR,J.

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