



Crl.O.P.No.3403 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.04.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.3403 of 2023

and

Crl.M.P.Nos.2114 & 2115 of 2023

R.K.Shah

..... Petitioner

Vs

1.M/s.Two Movie Buffs LLP,
Rep.by its Designated Partner
P.S.Raghunathan.

2.M/s.Acros Films LLP,
Represented by its Partner,
Prabhu Venkatachalam

..... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the entire records pursuant to the C.C.No.2911 of 2021 pending on the file of the learned XXIII Metropolitan Magistrate, Saidapet, Chennai and quash the same by allowing this Criminal Original Petition.

For Petitioner : Mr.B.Thirunavukkarasu

For R1 : Mr.L.Infant Dinesh



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ORDER

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This Criminal Original Petition has been filed seeking to quash the proceedings in C.C.No.2911 of 2021 pending on the file of the XXIII Metropolitan Magistrate, Saidapet, Chennai.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The first respondent lodged a private complaint as against the second respondent herein, alleging that the first respondent had started producing a Tamil Film and approached the first respondent for financial assistance. The petitioner agreed to fund on receipt of signed stamp papers, cheque leaves and blank documents as security. The first respondent borrowed a sum of Rs.2,19,50,000/- on various dates and repaid a sum of Rs.2,76,50,000/-. Simultaneously, the petitioner herein entered into a financial agreement with the second accused and borrowed money on interest. Thereafter, the petitioner suffered loss and in order to repay the dues owed |to the second respondent herein, misused the name of the first respondent's Movie name and submitted the security documents, such as signed stamp paper, cheque leaves and singed blank papers.



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4. The petitioner herein introduced the first respondent to

the second respondent during the year 2019 and borrowed money from the second respondent, pursuant to which the first respondent entered into an agreement with the second respondent. Utilising the said circumstances, the second respondent initiated arbitration proceedings as against the first respondent and the petitioner for the recovery of Rs.30,00,000/- with interest amounting to Rs.12,00,000/-. Simultaneously, the petitioner had demanded more money from the first respondent, by misusing the blank stamp papers and other documents, which were received as security.

5. Further, the petitioner also filed a suit and obtained an interim injunction as against the movie produced by the first respondent on the ground that the first respondent without settling the amount, attempted to release the Movie in C.S.No.165 of 2020. Thereafter, an interim injunction was vacated with a cost of Rs.50,000/- payable by the petitioner herein. In the said suit, the entire amount has been settled by the first respondent to the petitioner and the second respondent. Thereafter, the first respondent issued legal notice to the second respondent herein for return of all documents, which were given on the insistence of the petitioner herein, since those cheques were not issued



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for any legally enforceable debt. However, on receipt of the said notice, there was no reply. After a period of six months, the second respondent herein had misused the cheque leaves, which were given by the first respondent as security, by presenting them for collection. The second respondent also caused notice to initiate proceedings under Section 138 of the Negotiable Instruments Act. Hence, the complaint.

6. After taking cognizance for the offences under Sections 420, 465, 468, 469, 470 r/w 120B of IPC in C.C.No.2911 of 2021, the Trial Court issued summons to the petitioner and the second respondent. A perusal of the entire complaint reveals that it is nothing but money transaction between the petitioner and the respondents herein.

7. Even according to the first respondent in the suit filed by the petitioner herein in C.S.No.165 of 2020, the entire money had been repaid by the first respondent and it was recorded in the said suit. Now, the apprehension of the first respondent is that the misusing the documents, which were given for the purpose of security, the petitioner and the second respondent attempted to extract money from the first respondent.



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8. Admittedly, the first respondent issued all documents as security at the time of borrowing loan from the petitioner herein and also entered into a loan agreement with the second respondent, who is arrayed as A2. In fact, the petitioner and the second respondent initiated the arbitration proceedings. Therefore, the entire allegations are civil in nature and no offence has made out under Sections 420, 465, 468, 469, 470 r/w 120B of IPC as against the petitioner and the complaint lodged by the first respondent is liable to be quashed.

9. In view of the above, the proceedings in C.C.No.2911 of 2021 pending on the file of the XXIII Metropolitan Magistrate, Saidapet, Chennai, is hereby quashed. Accordingly, this Criminal Original Petition stands allowed. Consequently, connected miscellaneous petitions are closed.

09.04.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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To

The XXIII Metropolitan Magistrate,
Saidapet, Chennai



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G.K.ILANTHIRAIYAN, J.
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