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Crl.O.P.No.28682 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2025

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No.28682 of 2024

and

Crl.M.P.No.15983 of 2024

Soft Source Technologies Private Limited
Represented by its Director,
S.M.S Abdul Mageeth,
No.76, Nungambakkam High Road,
Chennai-34.

... Petitioner

Vs.

1. Kompac Education Systems Private Limited,
Represented by its Director,
Mr.Bharath Srinivasan,
Old No.6, New No.15, Central Avenue,
Kesavaperumalpuram, Gandhi Nagar,
Raja Annamalaipuram,
Chennai -28.
2. Bharath Srinivasan
CEO, Founder and Director.
Authorised Signatory,
Kompac Education Systems Private Limited,
Old No.6, New No.15, Central Avenue,
Kesavaperumalpuram, Gandhi Nagar,
Raja Annamalaipuram,
Chennai -28.
3. K.R.Adivarahan,



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Director,
Authorised Signatory,
Kompac Education Systems Private Limited,
Old No.6, New No.15, Central Avenue,
Kesavaperumalpuram, Gandhi Nagar,
Raja Annamalaipuram,
Chennai -28.

... Respondents

PRAYER: Criminal Original Petition filed under Section 528 of BNSS, to set aside the order dated 19.06.2024 passed by the XXV Metropolitan Magistrate, Egmore, Chennai in Crl.M.P.No.4126 of 2024 in STC No.2597 of 2022.

For Petitioner : Mr.R.Chandrasekar

For Respondents : Mr.P.Ravi

ORDER

This Criminal Original Petition has been filed to set aside the order dated 19.06.2024 passed in Crl.M.P.No.4126 of 2024 in STC No.2597 of 2022 by the XXV Metropolitan Magistrate, Egmore, Chennai.

2. Heard the learned counsel appearing for the petitioner and the learned counsel for the respondents and perused the materials



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available on record.

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3. The respondents/accused filed a petition under Section 91 Cr.P.C., in Crl.M.P.No.4126 of 2024 on the file of the XXV Metropolitan Magistrate Court, Egmore, seeking direction to direct the petitioner/complainant to produce Income Tax Return Statements. The trial Court vide order dated 19.06.2024 allowed the said petition. Aggrieved over the same, the petitioner/complainant has filed this criminal original petition.

4. It is the contention of the petitioner/complainant that the respondents/accused have not stated any reason as to why they are seeking to produce the Income tax return statements. The amount borrowed by the respondents are nothing to do with the Income Tax return statements submitted by the petitioner. The learned Magistrate without assigning any reason, mechanically passed the impugned order and allowed the respondents' petition. Hence, the petitioner is before this Court by challenging the order passed by the learned Magistrate.



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5. On a perusal of the records, it is seen that during cross-examination, the petitioner/complainant himself fairly admitted that he had filed the Income Tax Returns from the year 2017 to 2022 and he is ready to produce the same before the trial Court. Therefore, considering the deposition made by the petitioner, the learned Magistrate allowed the petition in Crl.M.P.No.4126 of 2024 filed by the respondents herein. This Court does not find any perversity in the order passed by the learned Magistrate.

6. In view of the same, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

20.01.2025

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Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No



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To

The XXV Metropolitan Magistrate, Egmore, Chennai



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P.VELMURUGAN, J.

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20.01.2025