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CrI.O.P.No.27675 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.10.2025

CORAM:

THE HON'BLE MR.JUSTICE N. SATHISH KUMAR

CrI.O.P.No.27675 of 2025
and CrI.M.P.No.18786 of 2025

1. S.P.Swaminathan
2. Radha Swaminathan ... Petitioner

Vs.

1. The Inspector of Police,
Coimbatore City Crime Branch Police Station,
Coimbatore.
2. Sathish Kumar. K ... Respondents

PRAYER : Criminal Original Petition is filed under Section 528 of BNSS,
to call for the records in First Information Report in Crime No.38 of 2023
on the file of the respondent Police and quash the same.

For Petitioner : Mr.M.Aravindh Subramaniam,
Senior Counsel
for Mr.Sriprada Prabhakar

For Respondent : Mr.R.Vinothraja
Government Advocate (Criminal Side)



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ORDER

The Criminal Original Petition has been filed seeking to quash the First Information Report in Crime No.38 of 2023 registered on the file of the first respondent Police for the offences under Sections 120B, 406, 420, 467, 468 and 471 of IPC.

2. Heard both sides and perused the materials available on record.

3. The allegation in the First Information Report pertains to the agreement said to have been executed between the de facto complainant and accused 1 and 2. Subsequently, the property was amalgamated with another company, namely, M/s.Senthil Fruits Products Private Limited. The entire allegation appears to have arisen out of the said agreement and the subsequent amalgamation. The petitioners have been arrayed as accused solely on the ground that they are the Directors, whereas, the Company has not been made as an accused. It also appears that a suit is also pending on the file of the I Additional District Court, Coimbatore, in O.S.No.964 of 2021 and the proceedings are pending before National Company Law



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Tribunal. Despite the same, the de facto complainant has chosen to lodge the present complaint.

4. Considering the above facts and circumstances, this Court is of the view that all the issues raised are matters of evidence. This Court, while refraining from entering into those factual aspects or conducting a roving enquiry while exercising its jurisdiction under section 482 Cr.P.C., directs the first respondent Police to continue the investigation on merits and in accordance with law. However, no coercive steps shall be taken against these petitioners until completion of investigation.

5. With the above direction, this Criminal Original Petition stands disposed of. Consequently, the connected miscellaneous petition is closed.

10.10.2025

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Neutral Citation: Yes/No

To

1. The Inspector of Police,
Coimbatore City Crime Branch Police Station,
Coimbatore.
2. The Public Prosecutor, High Court of Madras.

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N. SATHISH KUMAR, J.

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10.10.2025