

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP No.8982 of 2015 and

M.P.No.1 of 2015

Rupa @ Leena.

.. Petitioner/2nd Accused

Vs

1.State rep. By
Inspector of Police,
CBCID, Egmore,
Chennai
(Crime No.2 of 2015)

..Respondent/complainant

2.Vikram Kumar Babulalji
No.109, Audipapa Naicken Street,
Chennai - 600 079

.. Respondents/Complainant

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records and quash the F.I.R.No.2 of 2015 dated 25.02.2015 pending on the file of the respondent police.

For Petitioners : Mr.A.Abdul Rahim

For R.1 : Mr.C.Emalias,
Additional Public Prosecutor

For R2 : Mr.D.Gopikrishnan

ORDER

Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the first respondent.

2.It is the case of the petitioner that the F.I.R., in Crime No.2 of 2015 is purely an abuse of process of law inasmuch as the complaint based on which F.I.R., has been registered does not disclose the commission of cognizable offence and that a simple loan transaction has been given a criminal colour. At the first blush, this Court also was under the impression that a criminal colour is being given to a civil transaction. Therefore, notice was ordered to the police to file a status report.

3.Today, the respondent police have filed a counter wherein, in paragraph Nos.4 & 9, it is stated as follows:-

"4.It is further submitted that, the complaint discloses that the Vikram Kumar Babulaji has given 6 crores to accused A1, A2 and A3 in between 12.08.2013 to 27.12.2014 on the representation by the accused Dheeraj that the money was utilised to but a flat from DLF at Commander in Chief Road, Egmore and RWD construction Pvt. Ltd., at Altantis Apartment, Nelson Manickam Road, Nungambakkam. They also promised to repay the same within 5 to 10 month with interest. After obtaining the loan amount there was no further response from the accused persons which prompted the defacto complainant Vikram Kumar Babulaji to enquire and came to know that the accused persons never made any agreement with DLF to but a property and they have cheated the complainant by showing the forged documents relating to DLF homes. The complainant have believed that the representation made by the accused are genuine and on that score advanced that loan amount to the accused party which would not have happened but for such deception of facts. The said complaint was registered in CBCID (M) Cr.No.02/2015 u/s 406, 420, 465, 468, 471 I.P.C., on 25.02.2015 and investigation was taken up.

.....
9.It is further submitted that, during investigation it was found that the alleged agreement for getting a flat in DLF Homes alleged to be issued by them is not a genuine one and the witness from DLF have asserted that no such agreement was made by the accused person with their firm"

4.Thus, there appears to be prima facie material for investigation to proceed with inasmuch as it is alleged that bogus documents were shown to the defacto complainant for the purpose of getting money. Under such circumstances, this is not a fit case to quash the F.I.R.,.

5.The learned counsel for the petitioner submits that the petitioner herein is the wife of the first accused and she was separated from him. Under such circumstances, the respondent police is directed to thoroughly enquire into these aspects and during the

course of the investigation, if it appears that the petitioner is not involved in the offence, it is needless to state that she should be excluded from the final report.

6. With the above observation, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst. Registrar (CS II)

/true copy/

Sub Asst. Registrar

jbm

To

1. Inspector of Police,
CBCID, Egmore,
Chennai
2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.A.AbdulRatin, Advocate sr.no.37349

Cr1.OP No.8982 of 2015

scp[co]
srg 05.08.2015



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