

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.08.2016

C O R A M

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Cr1.O.P.No.16980 of 2016

and

Cr1.MP.No.8158 o 2016

1.Rani
2.Veeramani

...Petitioners

Vs.

1.The State Rep. by
Inspector of Police,
Central Crime Branch,
Vepery, Chennai - 600 007.

2.Prema

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C to call for the records and quash the FIR No.107 of 2016 on the file of the Inspector of Police, Central Crime Branch, Chennai, in so far as against the petitioners/accused 1 and 2 are concerned.

For Petitioner : Mr.R.Krishnan

For Respondent : Mr.C.Emalias [for R1]

Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to quash the FIR in Crime No.107 of 2016 on the file of the respondent-Police against the accused 1 and 2.

2. Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the respondent-Police.

3. On the complaint lodged by one Prema, the respondent Police have registered a case in Crime No.107 of 2016 on 21.03.2016, for the offences under Sections 406, 420, 294(b) r/w 34 IPC against Rani (A1), Veeramani (A2), Raveendran (A3), Devendran (A4) and Chandrasekar (A5), challenging which, Rani (A1) and Veeramani, husband of Rani (A2), are before this Court.

4. It is the case of Prema that her husband is working in Police Department and they are staying in the Police Quarters in T.P.Chatiram, where Rani and Veeramani also live, since Veeramani is a retired Sub Inspector of Police. It is alleged by Prema that Veeramani and Rani earned the confidence of Prema and promised her to get a land near Tambaram. They have also made similar promises to one Devi, Amsaveni, Malathi etc., Rani and her husband Veeramani took Prema and others to a village near Kundrathur and showed them 18 plots, saying those plots are for sale. They also introduced one Raveendran (A3), who claimed himself to be a retired Tahsildar. They were also introduced to one Devendran, who represented himself as a Personal Assistant to the Commissioner of Police.

5. On the strength of these representations, Prema purchased a plot for Rs.9,55,000/- through the petitioners and Raveendran. Similarly, the other women also purchased plots in the said village. Later, they came to know that Raveendran had no title to the property and he had made false representations, as if he has the authority to sell the land and made the defacto complainant and other women to believe and part with money.

6. The learned counsel for the petitioner submitted that Raveendran had given a written receipt to Prema in which he has stated that he is prepared to refund the amount of sale consideration and that Rani and Veeramani have nothing to do with the transaction.

7. The learned counsel for the petitioner also relied upon the judgment of Supreme Court in International Advanced Research Centre for Powder Metallurgy and New Materials (ARCI) & Ors. V. Nimra Cerglass Technics (P) Ltd., & Anr. reported in [2016-2-L.W.(CrI.) 63] and submitted that the entire case is civil transaction and therefore, the FIR should be quashed.

8. Per contra, the learned Additional Public Prosecutor submitted that all the accused have misrepresented to the prospective purchasers about the ownership of the plots, knowing full well that they don't have the title to sell the plots.

9. In Bajanlal Vs. State of Haryana [AIR 1992 SC 604], the Supreme Court had laid down the parameters for quashing the FIR. In this case, there are prima facie materials to show that Rani and Veeramani (petitioners herein) and others had gained the confidence of the de facto complainant and other women and had sold the plots, over which they have no title.

10. As regards the receipt that is said to have been given by Raveendran, this Court cannot go into its authenticity in proceedings under Section 482 Cr.P.C. The fact of the case in International Advanced Research Centre for Powder Metallurgy

and New Materials (ARCI) & Ors. V. Nimra Cerglass Technics (P) Ltd., & Anr. reported in [2016-2-L.W.(Crl.) 63] are different from the facts obtaining in this case. In the case, the accused and the complainant had entered into an agreement in connection with transfer of technology, and a dispute had arisen, in which the complainant had initiated criminal prosecution, which the Supreme Court was pleased to quash.

11. In this case, the FIR has only been registered now and investigation is in progress. At this juncture, the FIR cannot be quashed based on the disputed questions of facts.

In the result, this petition is dismissed. Consequently, connected miscellaneous petition is also closed.

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Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To:

1.The Inspector of Police,
Central Crime Branch,
Vepery, Chennai - 600 007.

2. The Public Prosecutor,
High Court, Madras.

+ 1 CC TO MR.K.JAGANATHAN, ADVOCATE SR 44644

KR/30/8/16

Crl.O.P.No.16980 of 2016

सत्यमेव जयते

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