

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2016

CORAM:

THE HON'BLE MR. JUSTICE P.N.PRAKASH

Cr1. O.P.No.21680 of 2016

1 Susheela

2 Vijayashree Murugesan

Petitioners

vs.

1 State represented by the Inspector of Police
Central Crime Branch
EDF - II, Team - III
Vepery, Chennai
(Crime No.345/2015)

2 Dr.Emma Rajkumari Sunder
C/o. Justin, No.296/5, II Floor Belly Area
Anna Nagar West
Chennai - 600 040

3 LIC Housing Finance Limited
Harrington Chambers, Block M.C.30/1A
Abdul Razak 1st Street
Saidapet
Chennai - 600 015

Respondents

(R3 suo motu impleaded as per order dated 04.10.2016)

Criminal Original Petition filed under Section 482, Cr.P.C.
seeking to call for the records in Cr.No.345 of 2015 on the file
of the first respondent police and quash the same.

For petitioners : Mr. Sunder Mohan
for Mr.V.P.Raju

For R1 : Mr. C.Emalias
Additinal Public Prosecutor

For R2 : Mr. P. Kumaresan

For R3 : Mr. Sendhil Kumar

ORDER

This Criminal Original Petition has been filed to call for the records in Cr.No.345 of 2015 on the file of the first respondent police and quash the same.

2 Heard the learned counsel for the parties.

3 This Court has been passing several orders from time to time and it will suffice, if the order dated 04.10.2016 is reproduced.

"On 23.09.2016, this Court passed the following:

"Mr.C.Emalias, the learned Additional Public Prosecutor takes notice for the 1st respondent and Mrs.J.Daisy takes notice for the 2nd respondent/defacto complainant.

2. Upon the complaint lodged by Tmt.Emma Rajkumari Sunder, the 1st respondent police has registered a case in Crime No.345 of 2015 against Mrs.Suseela and Mrs.Vijashree Murugan, who are the petitioners herein and the police have arrested Mrs.Suseela, the 1st petitioner herein and she is now in judicial custody.

3. Now, this petition has been filed seeking to quash the FIR on the ground that the parties have arrived at a compromise.

4. The learned Additional Public Prosecutor submitted that the bail application filed by the 1st petitioner in CrI.M.P.No.15916 of 2016 is coming up for hearing before the Principal Judge, Chennai Division.

5. In such circumstances, the Principal Judge is required to consider the bail application filed by the 1st petitioner herein and grant her interim bail so that after she is released, this petition could be taken up for hearing.

Post on 30.09.2016."

2. On 30.09.2016, this Court also passed the following:

"Pursuant to the order dated 23.09.2016 passed by this Court, Susheela (A1)/ first petitioner has been granted interim bail by the Sessions Court until 07.10.2016.

2. The de facto complainant is not present before this Court and Mr.F.Naseruddin, Sub Inspector of Police, CCB, Team III, Chennai -7 is present.

3. The learned Additional Public Prosecutor submitted that it may be in the interest of justice, if the LIC Housing Finance Ltd., is also heard on this aspect.

4. Under such circumstances, the Registry is directed to issue summons to Mr.Kathiresan, Branch Manager and officer incharge, LIC Housing Finance Ltd., Harrington Chambers, Block No.C30/1A, Abdul Razak I Street, Saidapet, Chennai - 15 for his appearance before this Court on 04.10.2016 at 2.15 p.m.

The de facto-complainant is also directed to be present before this Court on that date. Post on 04.10.2016 at 2.15 p.m. for orders."

3. Pursuant to the order passed by this Court, Mr.Kathiresan, Authorised Officer of LIC Housing Finance Limited, is present before this Court.

4. Mr.F.Naseruddin, Sub Inspector of Police, Central Crime Branch Team III, Chennai-7 is present.

5. Having regard to the facts and circumstances, this Court feels it appropriate to implead LIC Housing Finance Limited as party respondent to the present proceedings. Accordingly, this Court, suo motu impleads "LIC Housing Finance Limited Harrington Chambers, Block No.C30/1A, Abdul Razak I Street, Saidapet, Chennai-600 015, represented by Mr.Kathiresan, Officer in-charge" as party 3rd

respondent to the present proceedings. Accordingly, the Registry is directed to carry out necessary amendment in the petition.

6. Mr.P.Kumaresan, learned counsel appearing for Dr.Emma Rajkumari Sunder/defacto complainant submits that she will pay the sum of Rs.40,00,000/- that was received from the accused, to the LIC Housing Finance Limited immediately.

7. Mr.Sunder Mohan, learned counsel appearing for Susheela and Vijayashree Murugesan, the petitioners/accused submitted that his clients will settle all existing issues with the LIC Housing Finance Limited so that Dr.Emma Rajkumari Sunder gets marketable title to the property that was purchased by her from the petitioners. For this purpose, the learned counsel seeks three weeks time. The learned counsel also represented that by order, dated 26.09.2016 in Crl.M.P.No.15916 of 2016, the learned Principal Sessions Judge, Chennai has granted interim bail to the petitioners till 7.10.2016. Therefore, he sought for extension of the interim bail. Considering the same, the learned Principal Sessions Judge, Chennai is required to extend the interim bail till 7.11.2016.

8. List the matter on 3.11.2016 at 2.15 p.m. for orders.

The Registry is directed to print the name "Mr.B.B.Sendhil Kumar as the learned counsel for LIC Housing Finance Limited".

4 On 21.11.2016, this Court passed the following order:

On 04.10.2016 and 03.11.2016, this court had passed certain orders, under which the petitioners, viz., Susheela and Vijayashree Murugesan were required to execute a sale deed in favour of Dr.Emma Rajkumari Sunder/R2.

Mr.V.P.Raju, learned counsel for the petitioners sought one week time to complete the execution process. Accordingly, one week time is granted to complete the execution process.

In the meantime, the learned Principal Sessions Judge, Chennai is required to extend the interim bail till 29.11.2016 in CrI.MP.No.15916/16 on his file.

Call on 28.11.2016."

5 Today, Susheela (A1) and Dr.Emma Rajakumari Sunder, de facto complainant, are present and they are identified by Mr.F.Naseruddin, Sub Inspector of Police, CCB, Chennai, who is also present before this Court.

6 On instructions, Mr. P. Kumaresan, learned counsel for the de facto complainant submitted that the matter has been amicably settled and that the de facto complainant has no objection in the quashing of FIR.

7 When enquired by this Court, Dr. Emma Rajakumari Sunder also submitted in affirmative that she has no objection in the FIR being quashed.

8 Mr.Sendhil Kumar, learned counsel for LIC Housing Finance Ltd. also submitted that all the dues to LIC Housing Finance Ltd. has been paid.

9 In view of the above, the FIR in Cr.No.345/2015 on the file of the first respondent police is hereby quashed as against all the accused.

10 Mr.Sunder Mohan, learned counsel appearing for the petitioners submitted that Susheela's passport is with the Investigating Officer, which is conceded by Mr.C.Emalias, Additional Public Prosecutor, on instructions from the Sub Inspector of Police.

11 Recording the same, Susheela (petitioner/A1) is directed to approach the Investigating Officer and upon being approached, the Investigating Officer is directed to handover Susheela's passport to her, under due acknowledgement and also intimate the Immigration authorities to recall the Look Out Circular.

This Criminal Original Petition stands allowed with the above observation and direction.

Sd/-
ASST. REGISTRAR

/TRUE COPY/

SUB ASST. REGISTRAR

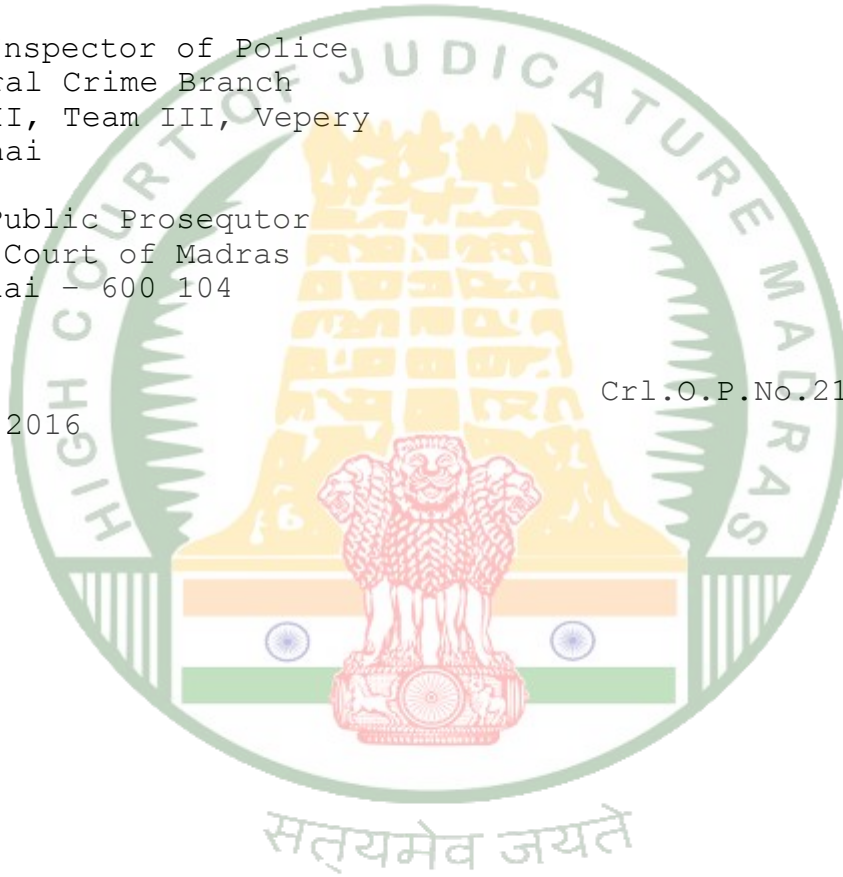
To

1. The Inspector of Police
Central Crime Branch
EDF II, Team III, Vepery
Chennai

2. The Public Prosecutor
High Court of Madras
Chennai - 600 104

MMP 29.12.2016
CO (KSJ)

Cr1.O.P.No.21680 of 2016



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