

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.10.2016

C O R A M

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CrI.O.P.No.27389 of 2010

and

MP.No.1 of 2010

Nakeeran

... Petitioner / Accused No.3

Vs.

1. State rep. by
Inspector of Police
Central Crime Branch, XVI Team,
Egmore, Chennai-8

2. Emmanul Jebaraj ... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C to call for the records relating to the proceedings in Crime No.333 of 2010 on the file of the Respondent police and quash the same.

For Petitioner : Mr.P.Anbazhagan

For R1 : Mr.C. Emalias
Addl. Public Prosecutor
Mr.Suresh for R2

O R D E R

This criminal original petition has been filed to call for the records relating to the proceedings in Crime No.333 of 2010 on the file of the first respondent police and quash the same.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the 1st respondent.

3. On the complaint lodged by Emmanuel Jebaraj, the first respondent police registered a case in Crime No.333 of 2010 on 14.07.2010 under Sections 406 and 420 r/w 34 IPC against Anbazhagan, Suresh and Nakeeran, challenging which, Nakeeran petitioner is before this Court.

4. It is the case of the de-facto complainant that he purchased a house property for Rs.65 Lakhs from Anbazhagan (A1) on 01.08.2007 and the sale was registered by a sale deed in the office of the Sub-Registrar, Sembium. According to the de-facto complainant, he had given Rs.5 lakhs to Anbazhagan and for the balance sum of Rs.60 lakhs, he had taken loan from HDFC bank and the amount was paid by HDFC bank directly to Anbazhagan. While so, the de-facto complainant was shocked to receive possession notice from the Debts Recovery Tribunal, Chennai in respect of the house property and when he made enquiries, he came to know that Anbazhagan had already mortgaged the same property with Lakshmi Vilas Bank and had defaulted in making repayment.

5. Even as per the FIR, Nakeeran the petitioner herein is the son-in-law of Anbazhagan. There are allegations against Nakeeran also in the complaint inasmuch as, it is stated that Nakeeran was with Anbazhagan when the sale was effected. Since there are prima facie materials in the complaint, the FIR cannot be quashed in the light of the law laid down by the Supreme Court in State of Haryana Vs Bhajan Lal [(1992) Supp [1] SCC 335].

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

mk

Sd/-
Assistant Registrar (CS-II)
/TRUE COPY/
Sub-Assistant Registrar

To

1. The Inspector of Police
Central Crime Branch, XVI Team,
Egmore, Chennai-8
2. The Public Prosecutor,
High Court, Madras.

+1CC to MRR.ANBZAHAGAN Advocate SR.NO.59437

Cr1.O.P.No.27389 of 2010

CTK[CO]
MK:08/11/2016