

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2018

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.No.15274 of 2018  
and Crl.M.P.No.7752 of 2018

R.Subramani

.. Petitioner

Vs

1.The State represented by  
Sub Inspector of Police  
Central Crime Branch  
Egmore, Chennai 600 018.

2.C.Pandian

..Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records of FIR No.35 of 2018 pending on the file of the Sub Inspector of Police, Central Crime Branch-II, Egmore, Chennai 600 008 and quash the same.

For Petitioner : Mr.M.Balaji

For R1 : Mrs.Kritika Kamal, P.  
Government Advocate [Crl.Side]

For R2 : Mr.P.Baskar

O R D E R

This petition has been filed to call for the records in FIR No.35 of 2018 pending on the file of the Sub Inspector of Police, Central Crime Branch-II, Egmore, Chennai 600 008 and quash the same.

2. On the complaint lodged by Pandian, the respondent police have registered a case in Cr.No.35 of 2018 on 19.03.2018 under Sections 420 and 34 IPC against Subramani [A1] and Rajendran [A2], for quashing which Subramani [A1] is before this Court.

3. Heard Mr.M.Balaji, learned counsel for the accused, Mrs.Kritika Kamal, P., learned Government Advocate [Crl.Side] appearing for the State and Mr.P.Baskar, learned counsel for the de facto complainant.

4. It is the case of the de facto complainant that the land in dispute was sold by Subramani [A1] to him in the year 2013 by suppressing the pendency of the proceedings in respect

of the land before the Debts Recovery Tribunal. However, the learned counsel for the accused submitted that the accused had purchased the property in the year 2007 in public auction through D.R.T., since the property was brought to sale by Punjab National Bank as the debtor had defaulted in repaying the loan. After Subramani [A1] had purchased the property, he did not sell the same immediately. He sold the property only in the year 2013 to the de facto complainant and that there were no proceedings pending with the D.R.T. in respect of the said property at that time.

5. However, learned counsel for the de facto complainant brought to the notice of this Court the order dated 25.06.2014 passed by the DRT-I, Chennai, in S.A.No.328 of 2007, in which, Subramani [A1] has been shown as R-3. However, on a close scrutiny of the order dated 25.06.2014, it is seen that notice was not served on Subramani [A1] and that the D.R.T. had suo motu impleaded him as third respondent. There is no material to show that Subramani [A1] had entered appearance in S.A.No.328 of 2007.

6. Learned counsel for Subramani [A1] submitted that subsequently on 29.11.2016, the Debts Recovery Appellate Tribunal, Chennai has set aside the order passed by the D.R.T. and thereby, the title to the property has been perfected. There appears to be sufficient force in the submission of the learned counsel for Subramani [A1]. However, since these are disputed questions of fact, the FIR cannot be quashed on such premise. Hence, this Court directs the Assistant Commissioner of Police, Central Crime Branch, Chennai to monitor the investigation in CCB Cr.No.35 of 2018 that is being conducted by the Inspector of Police and if it is shown that Subramani [A1] had no knowledge of these proceedings, it is needless to state that further action against him should be dropped.

With the above direction, this petition is closed. Consequently, connected miscellaneous petition is closed.

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Sd/-  
Assistant Registrar(CCC)

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Sub Assistant Registrar

gms

To

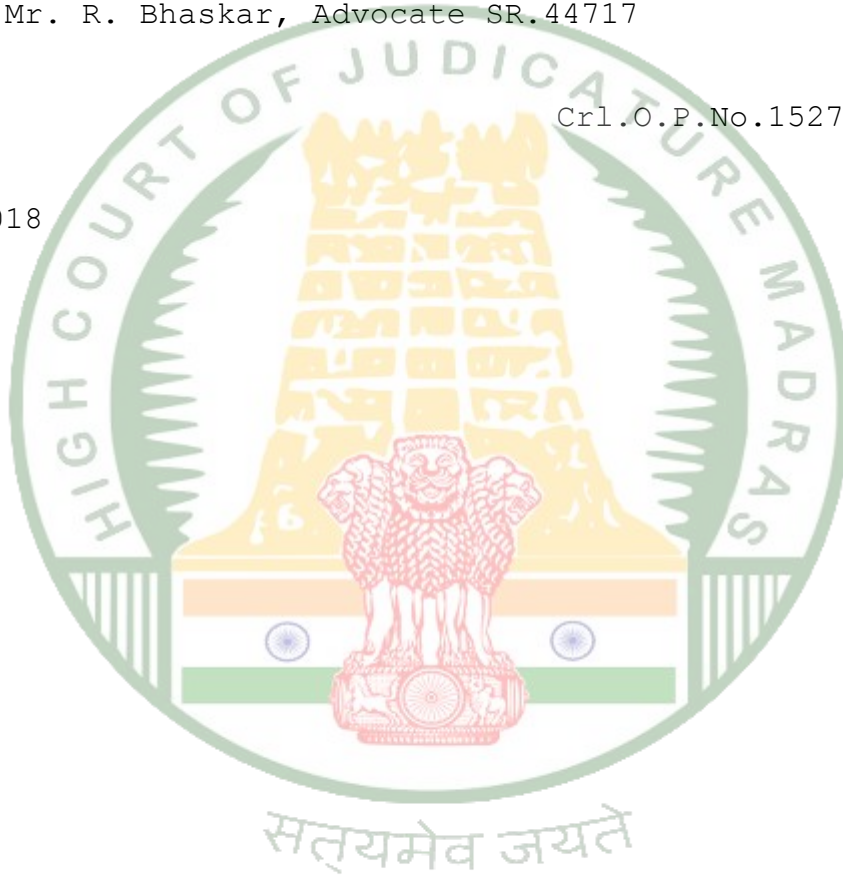
1.The Sub Inspector of Police  
Central Crime Branch  
Egmore, Chennai 600 018.

2.The Public Prosecutor,  
High Court, Madras.

+ 1 cc to Mr. M.Balaji, Advocate Sr.44656  
+ 1 cc to Mr. R. Bhaskar, Advocate SR.44717

Cr1.O.P.No.15274 of 2018

(CCC)  
Eu 18/7/2018



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