

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27.06.2018

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THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.16539 of 2018
and
Crl.MP.No.8517 of 2018

Sai

.. Petitioner

Vs

1.State by
The Inspector of Police
E-3, Teynampet Police Station
Chennai.

2.C.P.Radhakrishnan

... Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records relating to Crime No.978 of 2015 on the file of the Sub-Inspector of Police, E3 Teynampet Police Station, Chennai and quash the same.

For Petitioner : Mr.S.Gunalan

For Respondents : Mrs.Kritika Kamal.P

Government Advocate (Crl. Side)

For R1

O R D E R

This Criminal Original Petition has been filed to call for the records relating to Crime No.978 of 2015 on the file of the Sub-Inspector of Police, E3 Teynampet Police Station, Chennai and quash the same.

2. On the complaint lodged by the second respondent, the first respondent police registered a case in Crime No.978 of 2015 on 12.03.2015 for the offences under Sections 406 and 420 IPC against Usha Balan (A1) and Sai (A2), for quashing which, Sai (A2) is before this Court.

3. Heard Mr.S.Gunalan, learned counsel for the petitioner/A2, who submitted that there are no prima facie materials as against A2 inasmuch as he was a minor during 2007-2008, when the de facto complainant had financial transactions with his mother-Usha Balan (A1). He further submitted that Sai

(A2) is a dentist by profession and now, he is in practice.

4. On a reading of the FIR, it is seen that there were financial transactions between the de facto complainant and Usha Balan (A1) for several lakhs. However, the crux of the allegation is that on 26.07.2013, Usha Balan (A1) and Sai (A2) had given a demand draft for Rs.90 Lakhs of Barclays Bank, which has been shown to be a forged document.

5. The learned counsel for the petitioner/A2 submitted that Usha Balan (A1) died on 10.05.2017 and if it is so, the allegations against her shall stand abated.

6. Since thorough enquiry is required in respect to the transaction alleged in the FIR, the same cannot be quashed at the threshold. Hence, this Court directs the Assistant Commissioner of Police, Teynampet, Chennai, to monitor the investigation in Crime No.978 of 2015 and complete the same within a period of three months from the date of receipt of a copy of this order and either file a closure report or charge sheet as the case may be under due intimation to the de facto complainant.

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

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police
E-3, Teynampet Police Station, Chennai.
2. The Assistant Commissioner of Police, Teynampet, Chennai.
3. The Public Prosecutor, High Court, Madras.

+1cc to Mr.S.GUNALAN, Advocate, S.R.No. 40860

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TR(05/07/2018)