

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.2142 of 2019
and Crl.M.P.No.1350 of 2019

C.Pushparani ... Petitioner/Accused -3

Vs.

1.The State

Rep. by its Inspector of Police,
CCB Team-II,
O/o. Commissioner of Police,
Vepery, Chennai-07. ...Respondent/Complainant

2. S.V.Chandran

... Respondent/Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the entire records and quash the F.I.R. No.205/2018 filed on 21.11.2018, pending before the 1st respondent v.i.z., the inspector of police, CCB, team-II, Chennai -7 with respect to the petitioner /Accused No.3 and pass such further or other orders.

For Petitioner : Mr.M.Kemp Raj

For R1 : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor.

For R2 : Mr.Prakash Kumar

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O R D E R

This Criminal Original Petition has been filed to quash the F.I.R. No.205/2018 filed on 21.11.2018, pending before the 1st respondent viz., the inspector of police, CCB, Team-II, Chennai -7 with respect to the petitioner/ Accused No.3.

2.It is seen that the petitioner is arrayed as third accused. The case of the prosecution is that the defacto

complainant was impersonated by the first accused and thereafter executed a sale deed in favour of the petitioner and her husband. It is also seen from the sale deed, the first accused had executed a sale deed in favour of the petitioner and her husband/A2 for a sale consideration of One Crore and 25 Lakhs and for the said sale consideration, A2 and petitioner/A3 availed loan from ICICI Bank, Tambaram Branch. The sale consideration is paid through the Bank as mentioned in the sale deed as follows:

a)Rs.2,50,000/- (Rupees Two Lakh Fifty Thousands only) paid by way of ICICI Bank Cheque No.002892 dated 08.01.2018. Ac.No.270605000122.

b)Rs.27,86,540/- (Rupees Twenty Seven Lakh Eighty Six Thousand Five Hundred and Forty only) by way of ICICI Bank Cheque No.000869 dated 29.01.2018. A/c No.270605000484.

c)Rs.1,24,960/- (Rupees One Lakh Twenty Four Thousand and Nine Hundred and Sixty only) paid to T.D.S.

d)Rs.93,34,500/- (Rupees Ninety Three Lakhs Thirty Four Thousand and Five Hundred only) paid by ICICI Bank Tambaram Branch vide Cheque No.049161 dt.30.01.2018.

According to the petitioner, they are bona fide purchaser for a valid sale consideration and they have no knowledge about the impersonation committed by the first accused. On payment of full sale consideration, they have purchased the property.

3.The learned counsel for the defacto complainant submitted that the entire loan was repaid by the petitioners within a period of nine months. Therefore, he suspects something fishy with the first accused.

4.The learned Additional Public Prosecutor appearing for the first respondent Police submitted that the petitioner and her husband are bona fide purchaser with a valid sale consideration. The first accused is not yet secured and he is absconding.

5.Heard the learned counsels for the petitioner, defacto complainant and the learned Additional Public Prosecutor for the first respondent.

6.Considering the facts and circumstances of the case, without going into the merits of the case, this Court directs the first respondent to complete the investigation and file a final report within a period of six months from the date of receipt of copy of this order by considering the total sale consideration paid by the petitioner and her husband and they are bona fide purchasers. However, the petitioner is at liberty to challenge the final report, if so advised.

7.With the above directions, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

rm

To

1. The Inspector of Police,
CCB Team-II,
O/o. Commissioner of Police,
Vepery, Chennai-07.

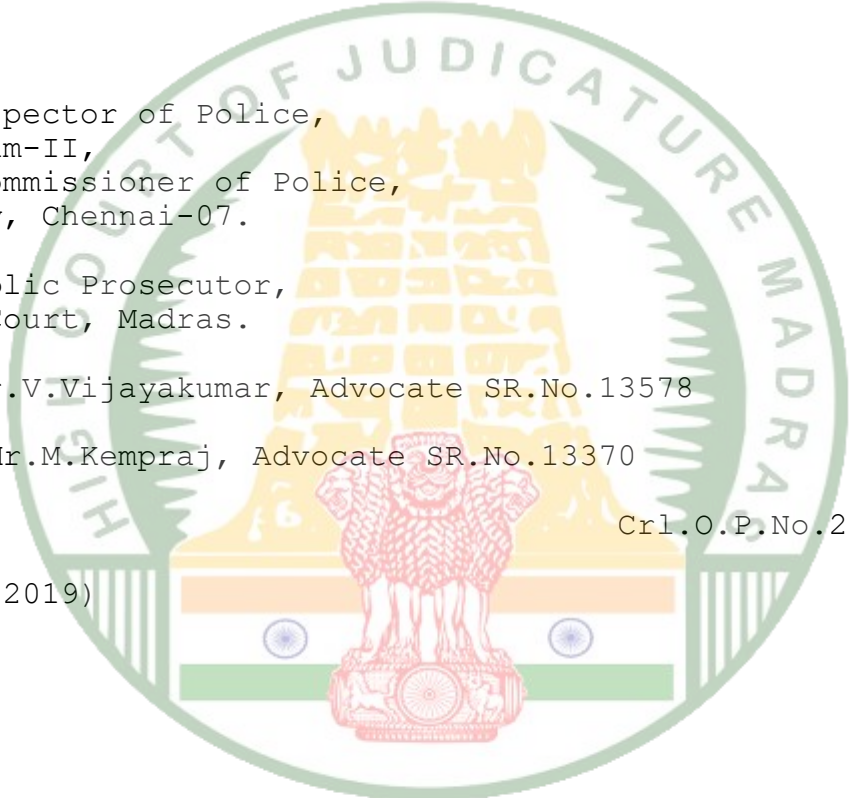
2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.V.Vijayakumar, Advocate SR.No.13578

+3ccs to Mr.M.Kempuraj, Advocate SR.No.13370

Crl.O.P.No.2142 of 2019

VBA (CO)
GMY (23/03/2019)

The seal of the High Court of Madras is a circular emblem. It features a central golden temple gopuram (tower) with a red lion standing in front of it. The lion is facing forward and is flanked by two smaller lions. Below the lion is a red wheel. The entire emblem is set against a background of horizontal stripes in orange, white, and green. The words "HIGH COURT OF JUDICATURE MADRAS" are written in a circular border around the emblem. Below the emblem, the Sanskrit motto "सत्यमेव जयते" (Satyameva Jayate) is written in Devanagari script.

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