



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.12.2021

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.Nos.6113 and 6197 of 2019

B.Kumar ...Petitioner in Crl.O.P.No.6113 of 2019

Leela KumarB.Kumar ... Petitioner in Crl.O.P.No.6197 of 2019

Vs.

1. State by: The Inspector of Police  
E1, Mylapore Police Station,  
Mylapore,  
Chennai - 78.

2.Ravi

...Respondents in both Crl.O.Ps

COMMON PRAYER : Criminal Original Petitions have been filed under Section 482 of Cr.P.C., praying to call for the records in FIR.No.591 of 2018, dated 06/10/2018 pending on the file of the Inspector of Police, E1, Mylapore Police Station, Mylapore and quash the same.

For Petitioners:M/s.P.Selvalakshmi

For Respondents :Mr.A.Gokulakrishnan  
Additional Public Prosecutor for R1  
Mr.M.P.Saravanan for R2

COMMON ORDER

These Criminal Original Petitions have been filed seeking to quash the FIR.No.591 of 2018, pending on the file of the Inspector of Police, E1, Mylapore Police Station, Mylapore.

2. The petitioners are arrayed as A2 and A3 in Crime No.591 of 2018 on the file of first respondent and they approached the Court to quash the said proceedings on the ground that the second respondent has not produced any material to show that petitioners have received money. Apart from that, Section 415 IPC has not been complied with for maintaining a complaint under Section 420 of IPC and such complaint is an abuse of process of



law. Besides that also, learned counsel also contended that both petitioners are senior citizens and they are falsely implicated in this case, without any material proof.

3. The learned counsel for the second respondent/de facto complainant would submit that the first accused viz., Krishnakumar is the son of the petitioner in CrI.O.P.No.6197 of 2019. The accused agreed to sell a flat to the second respondent for a sum of Rs.80,00,000/- and as per their oral agreement, the second respondent has deposited a sum of Rs.35,25,000/- to the bank account of Krishnakumar. Thereafter, when the second respondent insisted the accused to register a sale deed, they evaded his phone call. Then only, the second respondent came to know that there was no such property. Hence, he gave the complaint in the year 2018. From the year 2018, the case is still at the stage of investigation and there is no progress due to the pendency of the present criminal original petitions. Moreover, while granting anticipatory bail to A1, this Court has directed him to deposit a sum of Rs.17,50,000/-. Since A1 has not complied with the said condition, the anticipatory bail was cancelled. The first respondent police had not taken any action against A1. Hence, learned counsel prayed to dismiss the petition.

4. Considering these submissions and on perusal of records, this Court finds that based on the complaint of the second respondent, a FIR has been registered for an offence u/s.420 of IPC and a sum of Rs.20,00,000/- has been paid to A1 and these petitioners/A2 and A3, who are senior citizens, are the parents of A1. Whether the petitioners have committed offence or not could be decided only upon conclusion of investigation.

5. Accordingly, these Criminal Original Petitions are disposed with a direction to the first respondent to complete the investigation in Crime No.591 of 2018 and file a final report within a period of eight weeks from the date of receipt of a copy of this order.

SD/-  
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

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To

1. The Inspector of Police,  
E1, Mylapore Police Station,  
Mylapore,  
Chennai - 78.

2. The Public Prosecutor,  
High Court,  
Madras.

+2cc to M/s.T.C.Sajith Babu, Advocate Sr.63262 and 63261  
+1cc to Mr.M.P.Saravanan, Advocate Sr.63243(16/12/2021)

Cr1.O.P.Nos.6113 and 6197 of 2019

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srg 15/12/2021