

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2021

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.17072 of 2021

and

Crl.M.P.No.9335 of 2021

1.P.Thirugnanam

2.P.Babu

... Petitioners

Vs.

1.The State of Tamil Nadu,
Represented by The Inspector of Police,
District Crime Branch,
Perambalur District.
(Crime No.1 of 2017)

2.Chellamuthu @ Sellamuthu

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the Crime No.1 of 2017 pending on the file of the first respondent and quash the same in so far as the petitioners' are alone is concerned.

For Petitioners : Mr.T.Dharani

For R1 : Mr.A.Damodaran
Government Advocate (Crl. Side)

For R2 : Mr.Sugumar

* * * * *

ORDER

This Criminal Original Petition is filed to call for the records relating to the Crime No.1 of 2017 pending on the file of the first respondent and quash the same in so far as the petitioners' are alone is concerned.

2.The petitioners herein are A2 and A3 in Crime No.1 of 2017, pending on the file of the first respondent police, for the offence under Sections 406, 417, 419, 468 and 471 IPC have filed this quash petition.

3.The contention of the petitioner is that the petitioners are innocent. Except for the reason that they are the brothers of A1 viz., Arulanantham and they have do nothing more in this case. A1 had taken a loan for a sum of Rs.5,58,000/-, from the State Bank of India, Ariyalur Branch in Account No.11164735992. For which, they have pledged the defacto complainant's property in Document No.2835/2005. Thereafter, the said Arulanantham had not repaid the loan amount. For the default of

A1, the petitioners herein have been roped in this case as accused. The petitioners have nothing to do with the defacto complainant.

4.The learned Additional Public Prosecutor submits that A1 viz., Arulanantham, and the petitioners herein are brothers and they are residing in the same address. The petitioner is working in the Educational Department as Junior Assistant. The second petitioner worked in foreign and now carrying on agricultural activities. A1 had availed the loan from the State Bank of India for purchasing a Tractor for the agricultural use. For availing the loan, they had forged the documents of the defacto complainant and submitted the same before the officials of State Bank of India and thereafter only loan was granted. Subsequent to the availment of the loan, EMI has not been paid. For which, the State Bank of India had issued a notice to the defacto complainant, A1 and A3. From the notice only the defacto complainant came to know that his property has been pledged as security with the State Bank of India for the Tractor loan availed by the petitioners. Later came to know from the Sub Registrar Office and the State Bank of India,

the defacto complainant had lodged a complaint before the first respondent police. In this case, the respondent police have now called the petitioners for obtaining their signatures and thumb impressions.

5.The learned counsel appearing for the defacto complainant submitted that the defacto complainant had never visited the Sub Registrar Office and State Bank of India, Ariyalur Branch. By impersonation, the forged documents have been created and the petitioners in active connivance with other persons in a deceitful manner, committed the well planned and well-orchestrated offence.

6.Heard the learned counsel appearing for the petitioner, learned Additional Public Prosecutor and the learned counsel for the defacto complainant.

7.Considering the submissions and on perusal of materials, this Court finds that after four years of the occurrence, this quash petition has been filed. In this circumstance, investigation is in the mid-way. In view

of the same, this Court directs the respondent police to interrogate the petitioners and obtain their signatures and thumb impressions. Depending upon the petitioners' co-operation, the respondent police is directed to take the petitioners for custodial interrogation, if it would be required and in any event, the final report to be filed, within a period of six months, finding that there are materials against the petitioners.

8. Accordingly, this Criminal Original Petition stands dismissed. Consequently, the connected miscellaneous petition is closed.

30.09.2021

Index: Yes/No
Internet: Yes/No
ah

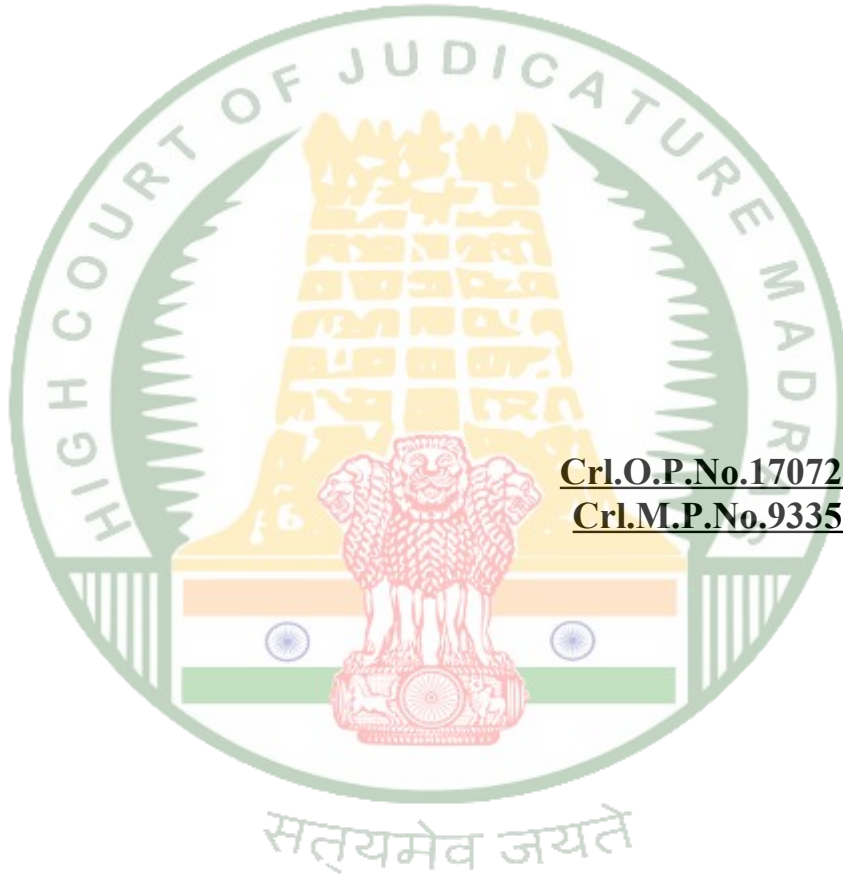
To

1. The The Inspector of Police,
District Crime Branch,
Perambalur District.

2. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.17072 of 2021

M.NIRMAL KUMAR, J.
ah



Crl.O.P.No.17072 of 2021
Crl.M.P.No.9335 of 2021

WEB COPY

30.09.2021