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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27.08.2021

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

Cr1.OP.No.8871/2017

[Video Conferencing]

Velayudham

...Petitioner

Versus

1. State by:
The Inspector of Police,
Central Crime Branch,
Chennai.

2. Kamaraj

...Respondents

Prayer : - Criminal Original Petition filed under Section 482 of Cr.P.C to call for the records in connection with Crime No.372 of 2015 on the file of the Inspector of Police, Central Crime Branch, Chennai and quash the same.

For Petitioner : M/s.Priyadharshini for
Mr.G.Mohanakrishnan

For R1 : Mr.E.Raj Thilak
Government Advocate
[Criminal Side]

ORDER

- (1) Heard Ms.Priyadharshini, learned counsel appearing for the petitioner herein.
- (2) The petitioner has filed the present petition under Section 482 of Cr.P.c., seeking to interfere with the further investigation or progress by the 1st respondent police in Crime No.372/2015 which has been registered under Sections 406, 409, 420 and 506[i] of IPC and Sections 3 and 4 of the Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003.
- (3) It is the contention of the present petitioner herein that he had lent money to the defacto complainant to a sum of



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Rs.20 lakhs and the defacto complainant had returned back Rs.10.80 lakhs. The petitioner demanded the balance amount of Rs.9.20 lakhs and at that time, the present complaint had been lodged by the defacto complainant as against the petitioner herein.

- (4) My attention is drawn to a series of papers presented by the learned Government Advocate [Crl.side] which relate to grant of bail to the present petitioner herein by the learned Judicial Magistrate, Alandur and the learned Magistrate was inclined to grant bail on the basis of the affidavit filed by the defacto complainant wherein he had withdrawn the allegations.
- (5) It is stated that parties had entered into a compromise. The FIR had been given in the year 2015 and for the past six years, the petitioner nor the defacto complainant have appeared before the Police Station nor did the investigation commence.
- (6) It is also informed by the learned Government Advocate [Crl.Side] appearing for the 1st respondent police that the 1st respondent police is not able to trace the defacto complainant and his statement could not be recorded.
- (7) Keeping the FIR on the file of the 1st respondent police would be of no avail and therefore, it is interfered with.
- (8) Accordingly, the Criminal Original Petition stands allowed and the FIR in Crime No.312/2015 is hereby quashed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

AP

To

1.The Judicial Magistrate,
Alandur, Chennai.

2.The Inspector of Police,
Central Crime Branch,
Chennai.



3.The Public Prosecutor
High Court, Madras.

+1cc to Mr.G.Mohana Krishnan, Advocate Sr No.43305

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PCH (CO)

PR (20/09/2021)