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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.08.2021

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CrI. O.P. Nos.29564 & 28374 of 2018

and

CrI. M.P. Nos. 16496 & 17363 of 2018

CrI. O.P. No. 28374 of 2018:-

J.H.Najumudeen

...Petitioner/2nd Accused

Vs.

1. State Represented by
Sub-Inspector of Police,
EDF-II, Team-1
Central Crime Branch
Vepery, Chennai - 600 007.

..1st Respondent

2. S.V.Ravi

...2nd Respondent/Defacto Accused

Prayer : Petition filed under Section 482 Cr.P.C. to call for the records connected with the complaint in Crime No. 444 of 2015 registered on 31.10.2015 on the file of the First Respondent, Sub-Inspector of Police, EDF-II, Team -1, Central Crime Branch, Vepery, Chennai - 600 007 and quash the same.

For Petitioners : Mr. PL.Narayanan

For Respondent : Mr.C.E.Pratap
Government Advocate for R1
Mr. B.Kumar, Senior Counsel
For M/s.A.Jenasenan (For R2)

CrI. O.P. No. 29564 of 2018:-

G.Rangasamy

...Petitioner/Accused

Vs.

1. State Represented by Inspector of Police
Central Crime Branch
EDF-I, Team-1
Vepery, Chennai - 600 007.

1st Respondent/Complainant



2. S.V.Ravi

...2nd Respondent/Defacto Complainant

Prayer : Petition filed under Section 482 Cr.P.C. to call for the records and quash the proceedings in Crime No. 444 of 2015 on the file of the First Respondent police registered against the Petitioners.

For Petitioners : Mr. L.Infant Dinesh

For Respondents : Mr.C.E.Pratap
Government Advocate (For R1)
Mr. B.Kumar, Senior Counsel
For M/s. A.Jenasenan (For R2)

C O M M O N O R D E R

These petitions have been filed to quash the proceedings in Crime No. 444 of 2015 on the file of the First Respondent, Sub-Inspector of Police, EDF-II, Team -1, Central Crime Branch, Vepery, Chennai - 600 007.

2. As per the case of the prosecution, the defacto complainant is the owner of 4 1/2 grounds of land comprised in TS.No.2/62, 2/132 of Adyar Village. The defacto complainant was approached by the petitioners in both the petitions and the petitioner/A2 in CrI.OP.No.28374 of 2018 agreed to purchase the land and accepted to pay Rs.3.50 crores per ground totaling Rs.15.75/- crores. An memorandum of undertaking was entered between the parties. The petitioner/A2 paid a sum of Rs.7.40 Crores on different dates and agreed to pay the balance of Rs.8.35 Crores after the execution of the sale deed and both the accused promised the payment of sale consideration immediately after the execution of sale deed in favour of the petitioner/A2. Believing their words, the defacto complainant executed the sale deed on 19.11.2014. But the petitioners in both the petitions have failed to pay the balance in consideration. When the defacto complainant approached both the accused for the payment of balance of sale consideration, they have not paid the amount and cheated the defacto complainant. Hence, the defacto complainant lodged a complaint before the respondent police against the petitioners/accused in both the petitions. To quash the FIR, the petitioners have filed the present petitions before this Court.

3. Heard the learned counsel for the petitioner/A2 in CrI.OP.No.28374 of 2018 as well as the learned Government Advocate and the learned counsel for the defacto complainant. There was no representation on behalf of the petitioner /A1 in



Crl.OP.No.29564 of 2018.

4. It is represented by the learned counsel appearing for the petitioner/A2 in Crl.OP.No.28374 of 2018 that without going into the merits of the case, it would suffice, if this Court issues direction to the law enforcing agency to expedite the investigation and complete the same as early as possible.

5. The learned counsel for the defacto complainant has no objection to pacify the issue before the respondent police.

6. The learned Government Advocate seeks 12 weeks time to conclude the investigation.

7. The grounds raised by the counsel for the petitioners are all factual in nature and it requires appreciation of evidence and this Court cannot decide the same in exercise of its jurisdiction under Section 482 of Criminal Procedure Code. It is left open to the petitioners to raise all the grounds before the Investigating Officer and the same shall be considered on its own merits and in accordance with law. This Court is not inclined to interfere with the proceedings pending before the 1st respondent Police.

8. In view of the above, this Court directs the 1st respondent Police, to expedite the investigation in Cr.No.444 of 2015 and complete the same, within a period of six weeks from the date of receipt of a copy of this order.

9. With the above directions, these criminal original petitions are disposed of. Consequently, connected miscellaneous petitions, if any, are closed.

Sd/-

Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Sub-Inspector of Police,
EDF-II, Team-1
Central Crime Branch
Vepery, Chennai - 600 007.



2. The Inspector of Police
CCB (Central Crime Branch)
EDF-I, Team-1
Vepery, Chennai - 600 007.

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3. The Public Prosecutor,
High Court of Madras.

+6cc to M/s.A.Jenasenan, Advocate, S.R.No.42807 and 42808

Cr1. O.P. Nos.29564 & 28374 of 2018
and
Cr1. M.P. Nos. 16496 & 17363 of 2018

SJ(CO)
RGA(22/09/2021)