



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2022

CORAM:

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.1999 of 2022
and
Crl.M.P.No.879 of 2022

Jaffar Shathik

...Petitioner

Vs.

1. State Represented by
The Inspector of Police,
CCB-I Police Station,
Chennai
(Crime No.165 of 2020)

2. The HDFC Bank Ltd.,
Represented by Mr.A.Venketaraman,
Investigation Manager,
Rist Intelligence & Control Unit,
2nd floor, Nelson Manickam Road,
Aminjikarai, Chennai - 600 029.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, 1973 to call for the records relating to the FIR in Crime No.165 of 2020 pending on the file of the CCB-I, Police Station, Chennai District and quash the same by allowing this Criminal Original Petition.

For Petitioner : Mr.M.Guruprasad

For Respondent-1 : Mr.E.Raj Thilak
Additional Public Prosecutor

O R D E R

The petitioner/A2 in Crime No.165 of 2020 registered for the offences under Sections 420, 465, 467, 468 and 471 of I.P.C, filed the Criminal Original Petition to quash the same.

2. The case of the prosecution is that KYC Documents of the petitioner were verified. The de-facto complainant in this



WEB COURT

case is HDFC Bank Ltd. During the course of the regular business, applications were received from the customers for durable loans. They submitted self-attested photocopy of the address and ID proofs along with signed application form, wherein, the applicants mentioned about their employment details. The petitioner was shown as working at Samsung team lease and he applied for merchant loan for purchase of Sony TV from Vivek Traders, Nungambakkam. After availing the loan, the petitioner defaulted and the Rental Agreement submitted by him turned to be forged. Hence, a case came to be registered against the petitioner and another customer, namely Gokula Krishnan, who had availed consumer durable loan for purchase of APPLE MAC BOOK from Reliance Digital. The said Gokula Krishnan is said to be working at Amudhan Enterprises. The petitioner has nothing to do with the said Gokula Krishnan and for what purpose, both the petitioner as well as A1 were arrayed together as accused persons, is not known. The learned counsel for the petitioner further submitted that, in this case, while considering the bail petition, petitioner volunteered to deposit the amount, the petitioner deposited the amount of Rs.20,000/- to the credit of Crime No.165 of 2020 in CrI.M.P.No.20736 of 2021 on the file of Principal District and Session Judge, Chennai, on 20.11.2021. Thus, the petitioner repaid whatever the loan availed by him. In view of the same, further pendency of the case is causing blot in his career and tarnishing his image, the petitioner is unable to secure any job and sustain himself. Learned counsel for the petitioner further submitted that the petitioner/A2 has got no objection for the de-facto complainant/second respondent to withdraw Rs.20,000/- deposited by the petitioner, vide Receipt No.00901 dated 20.11.2021.

3.The learned Additional Public Prosecutor appearing for the first respondent submitted that a case was registered on 08.05.2020 for the offences under Sections 420, 465, 467, 468 and 471 of I.P.C. The petitioner produced forged Rental Agreement and obtained a consumer durable loan of Rs.20,000/- purchased Sony TV, latter, defaulted in repayment of loan. When search was made for the petitioner, it was found that the petitioner not resided in the address provided. The petitioner produced a forged Rental agreement, cheated the complainant. Further, the investigation is in progress. He fairly submitted that during the pendency of bail application, the petitioner deposited loan amount of Rs.20,000/- on 20.11.2021.

4. This Court, considering the rival submissions and perusal of documents, found that the Rental Agreement, which is said to be forged, is a private document and further, except for the Rental Agreement, all the other documents submitted by him are not in dispute. The petitioner is aged about 30 years, married, having family and is employed in private sector. The



continuation of FIR against him would be an obstacle for his career. It is also found that the petitioner not come under adverse notice either before or after this case was registered. In view of the same, this Court is inclined to quash the proceedings against the petitioner alone.

5. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.165 of 2020 on the file of the first respondent-Police, are quashed, the de-facto complainant/ second respondent is permitted to withdraw the amount of Rs.20,000/- deposited by the petitioner. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

srn/ab

To

1. The Inspector of Police,
CCB-I Police Station,
Chennai
Crime No.165 of 2020.
2. The Public Prosecutor,
High Court of Madras.

+1cc to Mr.M.Guruprasad, Advocate, S.R.No.6551

Cr1.O.P.No.1999 of 2022
and
Cr1.M.P.No.879 of 2022

GPL (CO)
SU(11/02/2022)