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Crl.O.P.No.5538 of 2021
and Crl.M.P.No.3566 of 2021



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.10.2022

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

Crl.O.P.No.5538 of 2021
and Crl.M.P.No.3566 of 2021

Seethapathi

...

Petitioner

versus

1.The State, Represented by
The Inspector of Police,
Central Crime Branch,
EDF-1, Team 2,
Office of the Commissioner of Police,
EVK Sampath Salai, Vepery,
Chennai-600 007.
(Crime No.1205 of 2016)

2.The Inspector of Police,
V-3, JJ Nagar Police Station (L&O),
Chennai.

3.P.Suresh

...

Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the records in Crime No.1205 of 2016, pending investigation on the file of the first respondent police, quash the same as against the petitioner.



For Petitioner : Mr.Arun Anbumani
For Respondent Nos.1&2 : Mr.A.Damodaran
Additional Public Prosecutor
For Respondent No.3 : No Appearance

ORDER

This Criminal Original Petition is filed to quash the FIR in Crime No.1205 of 2016 on the file of the first respondent Police.

2. As per the direction of this Court, Tmt.Meena, Deputy Commissioner of Police, CCB, Chennai, is present today.

3. On 09.09.2022, this Court has passed the following order:-

“On perusal of the records, it is seen that the petitioner is an employee of the second and third accused Company which is involved in the Real Estate business. The defacto complainant is said to have booked some properties from the Company of the second and third accused and paid the sale consideration. However, the sale deed has not been executed as promised. Later, the Company seemed to have returned the money through two cheques. But the cheques were dishonoured and the defacto complainant did get his money back. In this background of facts, the third



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respondent / defacto complainant has given a complaint and on which, a case has been registered against the petitioner.

2. The contention of the learned counsel for the petitioner is that though the petitioner is only an employee of the second and third accused, he has been shown as first accused and was arrested. But the real culprits with whom the defacto complainant had his dealings were still absconding and not arrested.

3. In view of the above stated facts, I feel it is appropriate to direct the respondent Police to file a report within two weeks about the serious steps if any taken to arrest the accused 2 and 3.

4. Post the matter after two weeks.”

4. The learned Additional Public Prosecutor appearing for the respondents 1 and 2, on instructions, would submit that in compliance of the above direction, the first respondent police has arrested A-1 & A-3 in this case.

5. The grievance of the petitioner is that he is only an employee of A-1 and A-3 and he has got no connection in the complaint made by the second respondent.



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6. In view of the recent development, I feel it is possible for the prosecution agency to complete the investigation and file a charge sheet shortly.

7. In view of the same, this Criminal Original Petition is disposed of with a direction to the first respondent police to complete the investigation and file a charge sheet within a period of two weeks from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petition is closed.

18.10.2022

Speaking order / Non-speaking order

Index : Yes / No

Internet : Yes

sri



To

1. The State, Represented by
The Inspector of Police,
Central Crime Branch,
EDF-1, Team 2,
Office of the Commissioner of Police,
EVK Sampath Salai, Vepery,
Chennai-600 007.
2. The Inspector of Police,
V-3, JJ Nagar Police Station (L&O),
Chennai.
3. The Public Prosecutor,
Madras High Court,
Chennai.



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R.N.MANJULA, J.

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