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CrI.O.P No.5550 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2022

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THE HONOURABLE Ms. JUSTICE R.N.MANJULA

CrI.O.P No.5550 of 2021

and

CrI.O.P No.3577 of 2021

Seethapathi

... Petitioner

Vs.

1. The State, Represented by
The Inspector of Police,
Central Crime Branch, EDF-I, Team-2
Office of the Commissioner of Police
EVK Sampath Salai, Vepery,
Chennai-600 007.
(Crime No.1207 of 2016)

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

3. M.Jaishankar

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to call for the records pertaining to Crime No.1207 of 2016, on the file of the 1st respondent Police and quash the same.



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For Petitioners : Mr.A.Arun Anbumani

For Respondents : Mr.A.Damodaran for R1 & R2
Additional Public Prosecutor

No Appearance for R3

ORDER

This Criminal Original Petition has been filed, seeking to call for the records pertaining to Crime No.1207 of 2016 pending on the file of the 1st respondent Police and quash the same as illegal.

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 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



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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 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. It is now stated by the learned Additional Public Prosecutor, on instructions that in compliance of the above direction, the 1st respondent police has arrested the accused 1 & 3 in this case.



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5. The grievance of the petitioner is that he is only an employee of A1 and A3 and he has got no connection in the complaint made by the 2nd respondent.

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 1st respondent 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.

17.10.2022

Index : Yes/No
Speaking Order : Yes / No

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Office of the Commissioner of Police
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Chennai-600 007.

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

3. The Public Prosecutor
High Court of Madras.



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R.N.MANJULA, J.,

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