



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:15.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.14835 of 2020
and
Crl.M.P.No.5656 of 2020

C.P.Sri Lakshmi

...Petitioner/Defacto
Complainant

Versus

1. The Inspector of Police
M-1, Madhavaram Police Station
Chennai - 600 060
(Crime No.773/2019)

...1st Respondent/Complainant

2.S.Kottaiya

3.Sree Haribabu

...Respondents 2 &3 /
Complainant

Prayer:Criminal Original Petition filed under section 482 of Criminal Procedure Code, to call for the records from the Learned District-cum-Judicial Magistrate, Madhavaram and set aside the order passed on 11.01.2020 rejecting the remand in Crime No.773 of 2019 dated 29.12.2019.

For Petitioner : Mr.M.Gnanasekar

For Respondents: Mr.A.Gopinath for R1
Government Advocate (Crl.Side)

O R D E R

This petition has been filed challenging the order of rejection of remand of the respondents 2 and 3 herein in Crime No. 773 of 2019 registered for the offences under Sections 363, 406, 380, 465, 468, 471, 506(i) of IPC.

2. On the complaint lodged by the petitioner, the first respondent registered the case in Crime No.773 of 2019 for the offences under Sections 363, 406, 380, 465, 468, 471, 506(i) of IPC, in which the second respondent and third respondent are arrayed as A1 and A5. In pursuant to the said FIR, they were produced before the learned Magistrate, Madhavaram on 11.01.2020 for remand. However, the learned District Munsif-Cum-Judicial



Magistrate rejected the remand for the reason that there is no prima facie case made out against respondents 2 and 3 herein of cheating as the complaint is neither by the executed or by his son. On perusal of the records, it reveals that the third respondent herein was neither a party to the document nor a witness. The second respondent is aged about 69 years and appears to be very old. Therefore, the learned Magistrate, Madhavaram is not satisfied with the grounds made out for remand.

3.The learned Government Advocate (Crl.Side) would submit that subsequent to the same, both the respondents Nos. 2 and 3 approached this Court in Crl.O.P.No.1203 of 2020 for grant of Anticipatory Bail and they were enlarged on bail in the event of their arrest by order dated 25.01.2021.

4.Therefore, this Court finds no merits in this petition. Accordingly, this Criminal Original Petition stands dismissed. No costs.

5.Further, this Court directs the first respondent to complete the investigation in Crime No. 773 of 2019 within a period of 12 weeks from the date of receipt of a copy of this Order.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

dhk

To

1. The District Munsif-cum-Judicial Magistrate
Madhavaram.

2. The Inspector of Police
M-1, Madhavaram Police Station
Chennai - 600 060

3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.M.Gnanasekar, Advocate, S.R.No.35640

Crl.O.P.No. 14835 of 2020

SVI (CO)

RGA(04/07/2022)