

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

CRL.O.P.NO.14303 OF 2014
AND CRL.M.P.NO.1 OF 2014

R.Chandramohan

... Petitioner/Accused

Vs.

1. Inspector of Police,
IV-Team, Central Crime Branch,
Commissioner of Police Office,
Vepari, Chennai -600 007.

2. Asritha Reddy

3. S.S.Senthil

... Respondents

(Respondents 2 & 3 were impleaded as per the order of this Court dated 14.07.2014 in Crl.M.P.No.2 of 2014 in Crl.O.P.No.14303 of 2014)

PRAYER:

This Criminal Original Petition has been filed under Section 482 of Cr.P.C, to call for the entire records related to case in C.C.No.1653 of 2013, on the file of the Chief Metropolitan Magistrate Court, Egmore and to quash the same.

For Petitioner : Mr.Elephant G.Rajendran
For R1 : Mr.C.E.Pratap
Government Advocate (Crl.Side)

For R2 : No appearance
For R3 : No appearance

ORDER

This Criminal Original Petition has been filed to quash the case in C.C.No.1653 of 2013, on the file of the Chief Metropolitan Magistrate Court, Egmore.

2.The petitioner is the accused in C.C.No.1653 of 2013, on the file of the Chief Metropolitan Magistrate Court, Egmore.

3.The prime allegation in the complaint given by the second respondent is that the petitioner has suppressed the encumbrance namely the mortgage created on 30.05.2008 and has issued encumbrance certificate for the period 01.01.1987 to 25.02.2008, thereby the second respondent was made to believe that the property is without any encumbrance and thereby the petitioner/accused had cheated him and committed offence under Sections 420, 467, 468, 471 and 120(b) of IPC and he was arrested on 15.10.2012 and he was taken to concerned Crime Branch No.4. Under threat, he was asked to give three cheques with cheque Nos.521232, 521233, 521534, each for Rs.11,00,000/-, which amounts to Rs.33,00,000/- and hence, has preferred a complaint to the commissioner of police in the violation of his fundamental rights.

4.The short point for consideration is whether encumbrance certificate dated 26.02.2002 is bogus as contended by the defacto complainant.

5.During the course of the investigation, the Sub Registrar Officer, Sub Registrar District Office, Periamedu, has certified that EC.Nos.881 & 3185, dated 20.02.2008, are true and issued from the said Office. As per the sanction letter No.345/2015 dated 26.11.2012, in the charge sheet also I find that the investigation officer has concluded at page No.5 that during the investigation, on comparison of the originals available with the Sub Registrar Office, the encumbrance certificate under challenge is not a bogus one. When that being the case I do not find any valid reason for continuation of the trial and hence C.C.No.1653 of 2013 is ordered to be quashed.

6.Accordingly, this Criminal Original Petition stands allowed and C.C.No.1653 of 2013 on the file of the learned Chief Metropolitan Magistrate, Egmore, Chennai is quashed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

Dua

To

1. The Chief Metropolitan Magistrate Court,
Egmore, Chennai.
2. The Inspector of Police,
IV-Team, Central Crime Branch,
Commissioner of Police Office,
Vepari, Chennai -600 007.
3. Public Prosecutor,
High Court, Madras.

+2ccs to Mr.Elephant G.Rajendran, Advocate, S.R.No.38729

Crl.O.P.No.14303 of 2014
and Crl.M.P.No.1 of 2014

BR(CO)
PM/15/07/2022