



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.12.2022

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

Crl.O.P.No.16196 of 2019
and
Crl.M.P.Nos.8093 & 11777 of 2019

1.C.Saravanan

2.Vineet Relia

...

Petitioners

versus

1.State by:

The Inspector of Police,
Central Crime Branch,
Team IV, EDF-II,
Vepery, Chennai-7.
(Crime No.62 of 2019)

2.Nirmala Emmanuel

...

Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, praying to call for the records in F.I.R.No.62 of 2019 on the file of the respondent and quash the same as against these petitioners.

For Petitioners

: Mr.R.C.Paul Kanagaraj

For Respondent No.1

: Mr.A.Damodaran
Additional Public Prosecutor

For Respondent No.2

: Mr.S.Abubacker Sidhic



ORDER

This Criminal Original Petition has been filed to quash the

F.I.R. in Crime No.62 of 2019 on the file of the first respondent police.

2. Heard the learned counsel for the petitioners; learned Additional Public Prosecutor for the first respondent and the learned counsel for the second respondent / *de facto* complainant.

3. The petitioners are the accused nos.1 and 4 in a case registered in Crime No.62 of 2019 on the file of the first respondent police; the first accused is the Manager under the second accused /builder; the third accused is the Managing Director of SARE Home Projects Services Pvt. Ltd. who had assured to build row houses for the purchasers; the *de facto* complainant is one such purchaser; the third accused has acted as a nodal agent between the Bank and the builder for arranging loans for the purchase of houses; the *de facto* complainant has given a complaint by alleging that after she has obtained the sale consideration in respect of a row house booked by her, the accused did not continue the construction work and left it



in the midway; the second respondent/*de facto* complainant had availed a bank loan for the house and for which she has to pay the EMI with interest.

4. The learned counsel for the petitioners submitted that the petitioners are the employees under the second accused / builder and they do not have any overt act in the alleged occurrence; since the petitioners are not in control in the affairs of the project which is being carried out by the second accused, they cannot be implicated for having got any criminal intention in the project.

5. The learned Additional Public Prosecutor for the first respondent police submitted that the investigation is pending and lot of materials have to be unearthed and only then the real facts behind the scam would come to light.

6. The learned counsel for the second respondent / *de facto* complainant submitted that it is a large scale scam committed by the accused nos.1 to 4 in order to cheat the innocent purchasers by giving assurance to give good houses after receiving valuable consideration from them. The



petitioners along with other accused had cheated the *de facto* complainant like others and got large sum to be sanctioned by the Bank that is almost 95% for all cases but later cheated the purchasers by not handing over the houses in time and not even continuing the construction.

7. The occurrence is said to have started from the stage of giving advertisement by the builder. Only if the investigation is allowed to be done, the real facts will come to light. Since the second respondent / *de facto* complainant has stated about the large scale scam involved in this case and on the assurance of the interest free long term micro credit to the purchasers, I do not think that it is a case which has to be quashed at the threshold stage itself. If at the end of the investigation, if there is no material available against them, the petitioner can take the liberty of filing petition to quash the proceedings on that ground.

8. With these observations, this Criminal Original Petition stands dismissed. Consequently, connected Miscellaneous Petitions are closed.



05.12.2022

Speaking order / Non-speaking order

Index : Yes / No

Internet : Yes

sri

To

1.State by:

The Inspector of Police,
Central Crime Branch,
Team IV, EDF-II,
Vepery, Chennai-7.

2.The Public Prosecutor,

Madras High Court,
Chennai.



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R.N.MANJULA, J.

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