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Crl.O.P.No.13019 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2023

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.13019 of 2023
and Crl.M.P.No.7909 of 2023

Mrs.Sakthi Priya

... Petitioner

Vs.

1.State Rep. by:
The Sub Inspector of Police,
EDF-I, Team II,
Central Crime Branch-I,
Office of Commissioner of Police,
No.132, EVK Sampath Road,
Vepery, Periyamet, Chennai – 600 007.

2.Mrs.Fathima Gani

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the FIR No.171 of 2022 dated 23.08.2022 on the file of Central Crime Branch (CCB-I), Chennai and quash the same, as against the petitioner/4th Accused.



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Crl.O.P.No.13019 of 2023

For Petitioner : Mr.C.Seethapathy
For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor for R1
Assisted by Mr.Sylveston John

Mr.S.Tamilselvan for R2

ORDER

The Criminal Original Petition has been filed to quash the FIR in Crime No.171 of 2022, pending on the file of the 1st respondent.

2.The learned Additional Public Prosecutor submitted that serious allegation has been made against the Branch Manager, Canara Bank that he had colluded with the borrower and fabricated document dishonestly to avail loan. When the borrower failed to pay the money, Bank has initiated SARFAESI proceedings for recovery of money and had attached the property of the guarantor (defacto complainant). The said complaint is now sought to be quashed by the petitioner alleging that it is a malicious prosecution.



Crl.O.P.No.13019 of 2023

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3.However, this Court from the reading of the FIR, is unable to arrive at a conclusive decision that the complaint is malicious prosecution, since very serious allegation of forgery and fraud has been alleged. The investigation of the complaint to be left to the Investigation Officer and only after completion of the investigation, the true fact will come to light. Hence, petition for quash is dismissed. The respondent police is directed to complete the investigation, within a period of ninety days. On filing of the final report, if is left open to the petitioner herein to agitate his right in the manner known to law.

4.This Criminal Original Petition is disposed of accordingly. Consequently, connected miscellaneous petition is closed. Consequently, connected miscellaneous petition is closed.

18.10.2023

Index : Yes/No
Neutral Citation : Yes/No
SSR



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Dr.G.JAYACHANDRAN,J.

SSR

To

- 1.The Sub Inspector of Police,
EDF-I, Team II,
Central Crime Branch-I,
Office of Commissioner of Police,
No.132, EVK Sampath Road,
Vepery, Periyamet, Chennai – 600 007.
2. The Public Prosecutor,
High Court of Madras,
Chennai – 600 104.

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