



Crl.O.P.No.14635 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.14635 of 2023

P.Arihanth

... Petitioner

Vs.

1. State Rep by : THE INSPECTOR OF POLICE,
District Crime Branch Tiruvallur,
Thiruvallur District.

2. Mrs.Salihabibi

... Respondents

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C. to call for the records in Crime No.8 of 2023 dated 16.02.2023 against the petitioner / second accused herein, pending on the file of the Respondent Police and the quash the same.

For Petitioner : Mr.L.Prakash Raj

For Respondent No.1 : Mr.A.Damodaran
Additional Public Prosecutor



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ORDER

This Criminal Original petition has been filed to quash the proceedings in Crime No.8 of 2023 dated 16.02.2023, pending investigation on the file of the 1st respondent.

2. Heard Mr.L.Prakash Raj, learned counsel for the petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor for respondents.

3. The FIR has been registered based on the complaint given by the 2nd respondent on the ground that the subject property belongs to the 2nd respondent and that one Saravanan had fabricated a false document claiming himself to be the owner of the subject property and he has also mortgaged the said property in favour of 3rd parties.



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4. The FIR was registered on 16.02.2023. The petitioner was called for enquiry by the 1st respondent police and the petitioner came to know that he has been cheated by the said Saravanan, who has been arrayed as A1 in this case. Immediately, the petitioner took steps to cancel the mortgage that was created by Saravanan in favour of the petitioner for having borrowed a sum of Rs.13,00,000/- from the petitioner. The cancellation document was registered as document No.791 of 2023 before the Sub Registrar, Manavala Nagar on 23.02.2022. The petitioner also has a grievance against the said Saravanan who apart from cheating the 2nd respondent had also cheated the petitioner.

5. In view of the above, the 1st respondent police is directed to treat the petitioner as a witness in this case and record his statement under Section 161(3) of Cr.PC and the 1st respondent shall proceed further with the investigation and a final report shall be filed as expeditiously as possible.



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6. This Criminal Original Petition is disposed of with the above directions. No costs.

03.07.2023

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Index :Yes/No
Internet:Yes
Speaking Order/Non-speaking Order

To

1. THE INSPECTOR OF POLICE,
District Crime Branch Tiruvallur,
Thiruvallur District.
2. The Public Prosecutor,
Madras High Court,
Chennai.



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N.ANAND VENKATESH,J.

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