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Crl.O.P.No.17065 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE **SUNDER MOHAN**

Crl.O.P.No.17065 of 2021

T. Nepolian

... Petitioner / A3

-Vs-

1. The State Rep. by
The Inspector of Police,
Central Crime Branch, Chennai,
Team – II,
Office of the Commissioner of Police,
Greater Chennai Commissionerate,
Vepery, Chennai - 600 007. ... 1st Respondent / Complainant

2.K. Sabapathy ... 2nd Respondent / De-facto Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records relating to the FIR in Crime No.17 of 2021 on the file of the 1st respondent against the petitioner / A3 and to quash the same.

For Petitioner : Mr. V. Ramana Reddy

For R1 : Mr. A. Damodaran,
Additional Public Prosecutor.

For R2 : No appearance



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ORDER

This Criminal Original Petition has been filed seeking to quash the FIR in Crime No. 17 of 2021 on the file of the 1st respondent, filed for the alleged offence under Sections, 419, 420, 465, 467, 468, 471, 34 and 109 IPC.

2.It is alleged in the FIR that A1 and A2 had impersonated the defacto complainant and sold the property in favour of the petitioner. Hence, the complaint.

3.The learned counsel for the petitioner submitted that this Court had granted anticipatory bail to the petitioner in Crl.O.P.No.6870 of 2021 dated 30.06.2021, on condition that he should cancel the sale deed executed in his favour vide Document No.10781 of 2016 before SRO, Selaiyur, dated 10.06.2016. Thereafter, the petitioner had executed Cancellation Deed in Document No. 9355 of 2021. The learned counsel for the petitioner further submitted that the petitioner is a victim of the offences committed by the other accused and has lost substantial money



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in the transaction. In view of the pendency of the FIR, his right to recover the money from the other accused is also scuttled. Hence, the learned counsel for the petitioner prayed for quashing of the FIR in Crime No.17 of 2021.

4.The learned Additional Public Prosecutor appearing for the 1st respondent, however would submit that the matter has to be investigated and the petitioner's involvement in the alleged offences has to be probed into by the respondent police. Hence, he prayed for dismissal of the quash petition.

5.This Court finds that the points raised by the learned counsel for the petitioner are factual in nature. The question as to whether the petitioner is victim or not has to be investigated by the respondent police. It is needless to say, that the respondent police shall conduct the investigation in a fair manner and ascertain whether the petitioner is guilty or not. The respondent police is also directed to conclude the investigation and file a final report within a period of three months from the date of receipt of a copy of this order.



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6.It is represented by the learned counsel for the petitioner that the petitioner may also be permitted to take appropriate action against the other accused as he has lost substantial money. This Court is of the view, that such a direction is not required. If the petitioner is aggrieved by any act of the other accused, it is open to the petitioner to take action in accordance with law.

7.With the above observations, this Criminal Original Petition is dismissed.

14.06.2023

smv

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order



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To

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- 1.The Inspector of Police,
Central Crime Branch, Chennai,
Team – II,
Office of the Commissioner of Police,
Greater Chennai Commissionerate,
Vepery, Chennai - 600 007.
- 2.The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN,J.
smv

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