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Crl.O.P.No.22959 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.11.2023

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.22959 of 2023
and
Crl.M.P.Nos.16100 & 16101 of 2023

Lathakumari

... Petitioner

Vs.

1. The State Rep. by.
The Inspector of Police,
Bank Fraud Prevention Wing Team -31,
CCB, Vepery, Chennai-7.
CCB Crime No.168 of 2020

2. P.D.Antony Prince.

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to call for the records relating to the case in C.C.No.3604 of 2022 on the file of the Hon'ble Metropolitan Magistrate Special Court for CCB & CBCID Metro Cases at Egmore, Chennai and quash the same.

For Petitioner : Mr. R.Sasikumar

For Respondent : Mr.S.Udaya Kumar
Government Advocate (Crl. Side)



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ORDER

Petitioner herein, who has been arrayed as first accused in C.C.No.3604 of 2022 on the file of the learned Metropolitan Magistrate, Egmore is before this Court to quash the case on the ground that, car loan availed from the defacto complainant bank been settled under one time settlement and therefore there need not be any prosecution.

2. From the records, this Court finds that, case has been registered for the offences under Sections 420, 465, 467, 468 & 471 of IPC based on the complaint given by the Manager, Indian Bank (Coimbatore Branch) alleging that, this petitioner in connivance with other two accused had produced fake Income Tax Returns Certificate to avail car loan and defaulted in payment. Subsequent settlement of the loan by the petitioner herein may be a factor to mitigate the sentence but not a ground to quash the complaint. However, it is open to the petitioner herein to seek for plea bargain before the trial Court and the defacto complainant if satisfied that through one time settlement entire wrongful loss been compensated by the accused persons, same may be considered in accordance with law.



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3. With the above observations and directions, this Criminal Original

Petition is disposed of. Consequently, connected miscellaneous petitions are closed.

06.11.2023

Index : Yes/No

Neutral Citation : Yes/No

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To

1. Inspector of Police,
F-3, Nungambakkam Police Station,
Chennai District – 600 034.

2. The Public Prosecutor,
Madras High Court.



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Dr.G.JAYACHANDRAN,J.

Sma

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