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Crl.O.P No.18312 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.18312 of 2023

and

Crl.M.P.No.12178 of 2023

1.Durai @ Duraiyan

2.Saravanan @ Parthipan

... Petitioners

vs.

1.The Inspector of Police,
Thoppur Police Station,
Dharmapuri District.

2.Sundarambal

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the F.I.R. in Crime No.140/2023 on the file of the 1st respondent police and quash the same against the petitioners/A2 and A3.

For Petitioner : Mr.T.Muruganantham
for Mr.N.Ranjith Kumar

For Respondent-1 : Mr.A.Damodaran
Additional Public Prosecutor



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ORDER

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This petition has been filed to quash the F.I.R. in Crime No.140 of 2023, pending on the file of first respondent.

2. The second respondent has given a complaint before the first respondent to the effect that she is the owner of the subject property and she wanted to sell the property in favour of one Sasikumar (A1). When her husband was alive, he had taken loan and for that purpose a sale deed was executed in favour of Sasikumar on 29.12.2020 with a specific understanding that the property will be reconveyed after the repayment of the loan. Accordingly, the entire amount was repaid back. However, the said Sasikumar entered into an agreement of sale on 08.03.2021. Ultimately, the said Sasikumar had received excess amount from the second respondent to the tune of Rs.14,58,712/- and recoveyance deed was executed on 24.01.2022 in favour of the second respondent by the said Sasikumar (A1). Thereby, the second respondent has alleged that the said Sasikumar has cheated her and



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the petitioners (A2 and A3) had also assisted A1 in committing the offence.

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Based on the complaint, an F.I.R. came to be registered by the first respondent in Crime No.140 of 2023.

3. Heard the learned counsel appearing for petitioners and the learned Additional Public Prosecutor appearing on behalf of first respondent.

4. In the considered view of this Court, the entire allegations in the complaint is only as against Sasikumar (A1). This Court does not want to go into the issue as to what was the understanding between the second respondent and Sasikumar. On carefully going through the complaint, there are only general allegations against the petitioners as if they have also helped Sasikumar by acting as middleman.

5. For the present, no offence has been made out as against the petitioners and they need not be treated as accused persons in the F.I.R. It will be appropriate for the respondent Police to treat the petitioners as



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witnesses in this case and record their statement under Section 161(3) of Cr.P.C. Accordingly, the investigation shall proceed and based on the materials collected during the course of investigation, the final report shall be filed against the accused persons for whom materials are available to sustain the charge.

6. This Criminal Original Petition is disposed of with the above directions. Consequently, connected miscellaneous petition is closed.

16.08.2023

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

To

1.The Inspector of Police,
Thoppur Police Station,
Dharmapuri District.

2.The Public Prosecutor,
High Court of Madras,
Madras.



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N. ANAND VENKATESH, J.

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