



WEB COPY

Crl.O.P.No.18782 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2023

CORAM

THE HONOURABLE DR.JUSTICE G. JAYACHANDRAN

Crl.O.P.No.18782 of 2023

and

Crl.M.P.No.12531 of 2023

Mohamad Hamsa

...

Petitioner

Vs.

1.The State rep by
The Inspector of Police,
Kattumannarkoil Police Station,
Cuddalore District.
Crime No.107 of 2023

2.Kamala

...

Respondents

Prayer: Criminal Original Petition has been filed under Section 482 of the Criminal Procedure Code, to call for the records and quash the FIR in Crime No.107 of 2023 pending investigation on the file of the first respondent.

For Petitioner : Mr.G.Pugazhenthir

For Respondent : Mr.S.Rajakumar,
No.1 Additional Public Prosecutor

For Respondent : Mr.K.Raja
No.2

ORDER

Petition to quash the FIR in crime No.107 of 2023 dated 01.04.2023
registered against the petitioner for offence under Section 420 IPC.



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2.The case of cheating a sum of Rs.5,00,000/- on promise to sell the property registered by the respondent police, though prima facie case appears to be a dispute of civil nature. Since it is alleged in the complaint that the accused appears to have entered into a sale agreement with two persons and collected money. The complainant is one among them.

3.In view of the above, there is some element of dishonest intention at inception itself, hence, the respondent police is directed to complete the investigation and file final report if any cognizable offence is made out. Without ascertaining the facts on completion of investigation, summarily the complaint cannot be quashed. In view of the apparent material to infer that the accused has received money from two persons promising to sell the one and the same property.

With the above direction, the criminal original petition is disposed of. Consequently, connected miscellaneous petition is closed.

Index : Yes / No
Internet:Yes/No
sms

18.10.2023



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To

WEB COPY

- 1.The Inspector of Police,
Kattumannarkoil Police Station,
Cuddalore District.
- 2.The Public Prosecutor,
High Court, Madras.



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G. JAYACHANDRAN, J.

sms

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