



Criminal Original Petition No.19058 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2023

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.19058 of 2023

and

CrI.M.P.No.12746 of 2023

1.V.Sandesh
S/o.Venkatesh

2.S.Venkatesan
S/o.Seshadri

...Petitioners

Vs

1.State represented by its
Inspector of Police,
J-6 Thiruvanmiyur Police Station,
Chennai.
Crime No.263 of 2023

2.Nandha Kumar

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, praying to call for the records in First Information Report in Crime No.263 of 2023 on the file of first respondent police and quash the same.

For Petitioners : Mr.Arun Anbumani
for Mr.S.Mohamed Uduman

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor [R1]



ORDER

WEB COPY This Criminal Original Petition has been filed challenging the First Information Report registered in Crime No.263 of 2023 on the file of first respondent.

2. Heard Mr.Arun Anbumani, learned counsel for petitioners and Mr.A.Damodaran, learned Additional Public Prosecutor appearing for first respondent.

3. When the matter came up for hearing on 23.08.2023, this Court passed the following order:

“It is seen from the records that the first petitioner had filed an application in CMP.No.7845 of 2023 before the learned XVIII Metropolitan Magistrate, Saidapet under Section 156(3) of CrPC and the learned Magistrate by order dated 16.08.2023 had directed the Inspector of Police, J7 Police Station, to register the FIR and investigate the case in accordance with law.

2. It is brought to the notice of this Court that this order is yet to be acted upon and in the meantime, the de facto complainant has given a complaint, based on which the first respondent had registered FIR in Crime No.263 of 2023. In this FIR, the petitioners have been arrayed as A1 and A2.

3. The sum and substance of the submission made by the learned counsel for the petitioners is that the petitioners are also victims and they are on the same footing as that of the second



respondent That apart, whatever money was paid by the petitioners to those persons, who cheated them, was also settled in favour of the second respondent when the bail application was considered by the Court below.

4. The above shall be taken into consideration and there shall be a direction to the Inspector of Police, J7 Police Station, to immediately register the FIR based on the direction given by the learned Magistrate and this FIR shall also be transferred to the file of J6, Thiruvanniyur Police station. This process shall be completed before the next date of hearing.

5. Post this case on 30.08.2023.”

4. When the matter was taken up for hearing today, learned Additional Public Prosecutor submitted that the First Information Report has been registered in Crime No.327 of 2023 on the file of Velachery Police Station and as per the direction issued by this Court, it was also transferred to the J6 Tiruvanniyur Police Station. For proper appreciation, the relevant portions in the status report that was filed today are extracted hereunder:

"10. I submit that now, the petitioners filed a present petition before the Hon'ble High Court of Madras in CrI.O.P.No.19058 of 2023 & CrI.M.P.No.12746 of 2023 to stay/quash the FIR in Crime No.263 of 2023 on the file of the 1st respondent police. When the matter came up for hearing on 23.08.2023 and passed order as follows:-

"4. The above shall be taken into consideration and there shall be a direction to the Inspector of Police, J-7 Police Station to immediately registered the FIR based on the direction given by the learned Magistrate and this FIR shall also be transferred to the file of J-6, Thiruvanniyur Police Station. This process shall be completed before the next date



of hearing 30.08.2023."

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11. I submit that based on the above said order of this Hon'ble Court, a case was registered in J-7, Velachery Police Station in Crime No.327 of 2023, u/s.465, 468, 471, 420, 506(i) IPC against P.G.Anandhan, Ernest Desai, Sampath and Kumar on 23.08.2023 at about 21.00 hours by Tr.V.S.Athavan Balaji, Inspector of Police, J-7, Velachery Police Station and took up the case for investigation. The said case was lodged by Sandesh/A-1 [who is involved in Cr.No.263 of 2023] stating that P.G.Anandhan/A-3 [Crime No.263/2023], Ernest Desai, Sampath and Kumar were created fake documents viz., Aadhar Card, Death Certificate and the same given to the Sandesh and also obtained cash of Rs.26,25,500/-. Further the concerned Sub Registrar enquired about the accused and found that the parent document was fake and impersonated the real Ernest Desai and thereby the accused cheated and misappropriated him.

12. I submit that as per Court order, on 26.08.2023, the said case was transferred to the J-6, Thiruvannamiyur Police Station from the J-7, Velachery Police Station for further investigation. Further, on 27.08.2023, I have took up the case for investigation and issued summon to the 1st petitioner for appearance.

12. I submit that respondent police registered a case and conducted the investigation in a fair, free and impartial manner in accordance with law and the same was still pending and all the steps taken by the concerned investigation officer to conclude the investigation and to file final report before the concerned court in expeditiously."

In view of the above, this Criminal Original Petition is disposed of with a direction to the respondent police J-6 Thiruvannamiyur Police Station to investigate both the Crime Nos.263 and 327 of 2023 and complete the investigation as expeditiously as possible and file a final report or closure



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report, as the case may be, not later than four (4) months from today.

Consequently, connected miscellaneous petition is closed.

30.08.2023

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
gm

To

1.The Inspector of Police,
J-6 Thiruvanmiyur Police Station,
Chennai.
Crime No.263 of 2023

3.The Public Prosecutor,
High Court, Madras.

N.ANAND VENKATESH, J



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