



Crl.O.P.No.18589 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.18589 of 2023

and

Crl.M.P.No.12367 of 2023

1.I.R.Srinivasulu
S/o.Rajagopal Naidu

2.C.V.Anathakumar
S/o.Venagatesalu

.. Petitioners

Vs.

1.State represented by
The Inspector of Police,
Sulur Police Station,
Coimbatore District.

2.S.Rajesh
S/o. Selvaraj

..Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, praying to call for the records in respect of Cr. No.617 of 2021 on the file of the Inspector of police, Sulur Police Station, Coimbatore District and to quash the same against the petitioners.



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For Petitioner : Mr.Duraisamy, Senior Counsel
for Mr.Kandhan Duraisami

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

ORDER

This Criminal Original Petition has been filed challenging the First Information Report registered in Crime No.617 of 2021 pending investigation on the file of first respondent.

2. The second respondent has given a complaint to the first respondent to the effect that he and A1 are brothers and he is said to have sent money to his brother for purchasing property and that in the said process, his brother (A1) had cheated him and had fabricated a Memorandum of Understanding. Based on this complaint, a First Information Report came to be registered in Crime No.617 of 2021 against six named accused persons for offences u/s.120-B, 420, 423, 464, 466 and 471 IPC. The petitioners have been arrayed as A5 and A4 respectively on the ground that they are attestors in the Memorandum of Understanding that



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was entered into between A1 and A2.

3. Heard Mr.Duraisamy, learned Senior Counsel appearing for petitioners and Mr.A.Damodaran, learned Additional Public Prosecutor appearing for first respondent.

4. On carefully going through the allegations made in the First Information Report and also the materials placed before this Court, it is seen that the main grievance of the second respondent is as against A1 and A2. The only allegation that has been made against the petitioners (A5 & A4) is that they are attestors to the Memorandum of Understanding entered into between A1 and A2 on 15.10.2014. That apart, it is also seen that there is a pending suit between A1 and second respondent. That apart, A6 has also filed a suit against the second respondent.

5. In the considered view of this Court, the petitioners can be treated



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as witnesses in this case and the respondent police is directed to record the statements of the petitioners u/s.161(3) Cr.P.C. The investigation shall continue and the first respondent shall file the final report only as against the accused persons against whom offence is made out and based on the materials available. This direction will sufficiently take care of the interest of the petitioners.

This Criminal Original Petition is disposed of in the above terms.

Consequently, connected miscellaneous petition is closed.

16.08.2023

Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No
gm



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To
WEB COPY

1. The Inspector of Police,
Sulur Police Station,
Coimbatore District.
2. The Public Prosecutor
High Court of Madras.



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Today, the matter was listed under the caption “for being mentioned” on the ground that there is an inadvertent mistake that has crept in Paragraph No.2 of the order. Therefore, paragraph No.2 of the order dated 16.08.2023, shall be replaced as follows:

2. The second respondent has given a complaint to the first respondent to the effect that he and A1 are brothers and that A1 is said to have sent the money to his father for purchasing the property and the property was also purchased in the name of the father. Subsequently, a fabricated Memorandum of Understanding was brought about and thereby, the 2nd respondent is said to have been cheated by his brother. Based on this complaint, a First Information Report came to be registered in Crime No.617 of 2021 against six named accused persons for offences u/s.120-B, 420, 423, 464, 466 and 471 IPC. The petitioners have been arrayed as A5 and A4 respectively on the ground that they are attestors in the Memorandum of Understanding that was entered into between A1 and A2.



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3.The Registry is directed to carry out the necessary corrections in the order and issue fresh order copy.

22.08.2023

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