



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2023

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CrI.O.P.No.24114 of 2023

and

CrI.M.P.Nos.16841 & 16843 of 2023

1. P.Rajaram

2. R.Lakshmi Prabha

... Petitioners

Vs.

1. The State Represented by
The Sub Inspector of Police,
Central Crime Branch, Team -1,
Veppari,
Chennai -7.

2. Sivakumar

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to call for the entire records in pursuant to the charge sheet in C.C.No.2778 of 2023 pending on the file of Court of Central Crime Branch and Crime Branch Criminal Investigation Department Metropolitan Magistrate, Egmore, Chennai -8 and quash the same in so far as the petitioners herein are concerned.



For Petitioner : M/s. S.Sri Ranjini
For R1 : Mr.S.Udaya Kumar
Government Advocate (CrI. Side)

ORDER

Petition is filed to quash the final report which was taken on file by the learned Metropolitan Magistrate, Egmore in C.C.No.2778 of 2023.

2. The reading of the final report indicates that the petitioners, who had borrowed money from the defacto complainant pledging their property later had obtained Non -Traceable Certificate of the title document which was handed over to the complainant and by virtue of the Non Traceable Certificate, settled in favour of their daughter Vishnu Priya. The said Vishnu Priya sold the property in favour of one Lokeshwari. The complaint had disclosed fraudulent and dishonest intention of the petitioners raising loan by depositing the title deed knowing well that, original document is with the defacto complainant had placed paper advertisement as original got lost and obtained Non Traceable Certificate from the Police in order to transfer the property. Hence, a case of dishonest intention and fraudulent act of creating false documents to cheat the defacto complainant been made out and final report has been filed for the offences under Sections 406, 420 of IPC read



with Section 120(B) of IPC and subsequently altered into Sections 406, 420 of IPC read with Section 34 of IPC.

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3. In view of the above facts, this Court finds that, it is a matter for trial and the case cannot be quashed summarily just because complainant has filed a suit for recovery of money and also proceedings under Section 138 of Negotiable Instruments Act is pending for issuing cheque without sufficient fund.

4. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

09.11.2023

Index : Yes/No

Neutral Citation : Yes/No

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To

1. The Sub Inspector of Police,
Central Crime Branch, Team -1,
Veppari,
Chennai -7.
2. The Public Prosecutor,
Madras High Court.

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Dr.G.JAYACHANDRAN,J.

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