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Crl.O.P.No.22195 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.10.2023

CORAM :

THE HONOURABLE Dr. JUSTICE **G.JAYACHANDRAN**

Crl. O.P. No.22195 of 2023
and Crl.M.P. No.15433 of 2023

1.Mr.S.Suresh

2.Mr.S.Rakesh @ Suman

Petitioners

Vs.

1.State of Tamil Nadu,
Rep. by Sub-Inspector of Police,
District Crime Branch,
Thiruvallur District.

2.Nalini Narayanan

..Respondents

PRAYER : Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code to call for the records pertaining to the First Information Report dated 09.09.2021 in Crime No.42 of 2021 on the file of the Sub-Inspector of Police, District Crime Branch Police Station, Thiruvallur District.

For Petitioners

: Mr.K.R.Arun Shabari

For Respondents

:Mr.S.Udaya Kumar



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Government Advocate (CrI.Side)

ORDER

The complaint of cheating and breach of trust has been filed by one Nalini Narayanan against Hamamalini, Suresh and Rakesh @ Suman. The District Crime Branch of Thiruvallur District has taken up the complaint in Crime No.42 of 2021 on 09.09.2021 and investigating the case. The petitioners herein are A2 and A3. They seek quash of the complaint on the ground that the FIR on the face of it, clearly show that the defacto complainant and the first accused had a money transaction and it was the first accused who executed pronote in favour of the defacto complainant. Even from the FIR, it could be seen that money was transferred only to the account of the first accused. Whiles, the first petitioner, who is the husband of the first accused and second petitioner is the brother of the first petitioner.

2. The learned counsel submitted that the second respondent had money transaction with the first accused and the money dispute was converted as criminal case by misusing the machinery of the criminal Court. Further submitted that the first petitioner has got separated from



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the first accused and he is an innocent person.

3. However, learned Government Advocate (Crl.Side) would submit that the evidence so far collected shows that around Rs.12,45,083/- has been transferred by way of bank transaction by the defacto complainant to the account of the first accused Hemamalini and from her account, the money has been immediately withdrawn and transferred to some other accounts. In this regard investigation is going on. That apart, in the FIR, the complainant has stated that some cash was paid to these petitioners after raising loan from the Bank. These are the facts which are under investigation. So far, the material collected by way of statement of witnesses indicates that these petitioners alongwith first accused had intentionally deceived the defacto complainant.

4. This Court, on considering the submissions made by the learned Government Advocate and based on the materials so far collected, is of the view that it is not a case of simple money transaction but there is enough material prima facie to hold that the defacto complainant been



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Dr.G.JAYACHANDRAN, J.

deceived. However, final conclusion can be arrived only after completion of the investigation. The materials so far collected do not give any inference that it is purely a civil dispute. Hence, the petition to quash stands dismissed. The respondent police is directed to complete the investigation within 30 days from the date of receipt of the order and file a report. Consequently, connected Miscellaneous Petition is also dismissed.

19.10.2023

Internet : Yes/No

Index: Yes/No

rkp

To

1.The Sub-Inspector of Police,
District Crime Branch,
Thiruvallur District.

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

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