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1 of 6

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.27632 of 2022

P.Chandran, M/52 years

.. Petitioner /Accused 2

.Vs.

1.The Inspector of Police
CCB-II
O/o. Commissioner of Police
Vepery, Chennai.

Now at
The Inspector of Police
Team 24(Land Grabbing Team)
O/o.Commissioner of Police
Tambaram.

2.S.V.Chandran
S/o.Veeraraghavan

..Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the proceedings in FIR No.205 of 2018 dated on 21st November, 2018 filed by the Inspector of Police, CCB-II, O/o. Commissioner of Police, Vepery, Chennai Now at Team 24 (Land Grabbing Team), O/o.Commissioner of Police, Tambaram and quash the same.

For Petitioners : Mr.C.Thyagarajan

For Respondents : Mr.A.Gopinath
Government Advocate (Crl.side)
for R1

Mr.V.Vijayakumar for R2



ORDER

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This criminal original petition has been filed seeking to quash the FIR registered in Crime No.205 of 2018, pending investigation before the 1st respondent.

2.The wife of the petitioner, who has been arrayed as A3 had earlier filed a quash petition before this Court in CrI.OP.No.2142 of 2019 and the order passed in this petition on 14.3.2019, is extracted hereunder:

2.It is seen that the petitioner is arrayed as third accused. The case of the prosecution is that the defacto complainant was impersonated by the first accused and thereafter executed a sale deed in favour of the petitioner and her husband. It is also seen from the sale deed, the first accused had executed a sale deed in favour of the petitioner and her husband/A2 for a sale consideration of One Crore and 25 Lakhs and for the said sale consideration, A2 and petitioner/A3 availed loan from ICICI Bank, Tambaram Branch. The sale consideration is paid through the Bank as mentioned in the sale deed as follows:

a)Rs.2,50,000/-(Rupees Two Lakh Fifty Thousands only) paid by way of ICICI Bank Cheque No.002892 dated 08.01.2018. Ac.No.270605000122.

b)Rs.27,86,540/-(Rupees Twenty Seven Lakh Eighty Six Thousand Five Hundred and Forty only) by way of ICICI Bank Cheque No.000869 dated 29.01.2018. A/c No.270605000484.

c)Rs.1,24,960/-(Rupees One Lakh Twenty Four Thousand and Nine Hundred and Sixty only) paid to T.D.S.

d)Rs.93,34,500/-(Rupees Ninety Three Lakhs Thirty Four Thousand and Five Hundred only) paid by ICICI Bank Tambaram Branch vide Cheque No.049161 dt.30.01.2018.



According to the petitioner, they are bona fide purchaser for a valid sale consideration and they have no knowledge about the impersonation committed by the first accused. On payment of full sale consideration, they have purchased the property.

3.The learned counsel for the defacto complainant submitted that the entire loan was repaid by the petitioners within a period of nine months. Therefore, he suspects something fishy with the first accused.

4.The learned Additional Public Prosecutor appearing for the first respondent Police submitted that the petitioner and her husband are bona fide purchaser with a valid sale consideration. The first accused is not yet secured and he is absconding.

5.Heard the learned counsels for the petitioner, defacto complainant and the learned Additional Public Prosecutor for the first respondent.

6.Considering the facts and circumstances of the case, without going into the merits of the case, this Court directs the first respondent to complete the investigation and file a final report within a period of six months from the date of receipt of copy of this order by considering the total sale consideration paid by the petitioner and her husband and they are bona fide purchasers. However, the petitioner is at liberty to challenge the final report, if so advised.

3.It is clear from the above that the respondent Police was directed to complete the investigation and file a final report within six months. It is more than five years since this order was passed. In the meantime, the petitioner (A2) has filed this quash petition since the respondent Police has not completed the investigation and the FIR continues to be alive for more than five years.



4.The learned Government Advocate (Crl.side) on instructions submitted that A1, who had impersonated the de facto complainant is yet to be traced. It is seen from records that the photographs of the person, who had impersonated the de facto complainant is very much available even in the typed set of papers that have been filed in this petition. It is also brought to the notice of this Court that after the purchase was made by A2 and A3, the property was mortgaged to ICICI Bank and the title deeds were deposited in the Bank. The amount that was paid by the ICICI Bank through money transfer has also been withdrawn in entirety. Inspite of these developments, the 1st respondent has not taken any efforts to ascertain the whereabouts of A1 and find out as who was withdrawn the amount.

5.This Court is not satisfied with the manner in which the 1st respondent is investigating this case and the investigation has to be necessarily transferred to a higher authority. In view of the same, the investigation is transferred to the file of the Deputy Commissioner, Central Crime Branch, Tambaram Commissionerate. The 1st respondent is directed to immediately hand over the case diary to the Deputy Commissioner, Central Crime Branch, Tambaram Commissionerate and the investigation shall be immediately taken up and the whereabouts of A1 shall be ascertained and he shall be secured. The investigation shall be completed by the Deputy Commissioner, Central Crime Branch, Tambaram Commissionerate, within a period of three months from the date of receipt of copy of the order and the final report shall be filed before the concerned jurisdictional Court.



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This criminal original petition is disposed of with the above direction.

09.08.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
KP

To

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CCB-II
O/o.Commissioner of Police
Vepery, Chennai.

Now at
The Inspector of Police
Team 24(Land Grabbing Team)
O/o.Commissioner of Police
Tambaram.

2. Deputy Commissioner, Central Crime Branch,
Tambaram Commissioner ate.

3.Public Prosecutor
High Court of Madras.



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6 of 6

N. ANAND VENKATESH,. J.
KP

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