



Crl.O.P.(MD)No.6173 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **08.06.2023**

CORAM

THE HON'BLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.O.P.(MD)No.6173 of 2021
and Crl.M.P(MD).No.3543 of 2021

Narayanan

... Petitioner

Vs.

1.State through the Inspector of Police,
City Crime Branch,
Madurai City,
Crime No.5 of 2020.

2.The Manager,
Shriram Transport Finance Company Limited,
Jaihindpuram Branch,
No.78, Ramalinga Centre,
3rd Floor, Andal Puram,
Madurai-3.

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records and quash the proceedings of the FIR in Crime No.5 of 2020 dated 13.01.2020 on the file of the first respondent.



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For Petitioner : Mr.K.Jeyamohan
For Respondents : Mr.E.Antony Sahaya Prabhakar
Additional Public Prosecutor
for R1
Mr.Ananth C.Rajesh for R2

ORDER

This Criminal Original Petition has been filed to call for the records and quash the proceedings in Crime No.5 of 2020 dated 13.01.2020 on the file of the first respondent.

2. The case of the prosecution is that the petitioner has mortgaged his two lorries to the second respondent for loan. Initially, he was regularly paying his dues. However, all of a sudden, he stopped to pay the dues and when the second respondent questioned the same, the petitioner has refused to reply to the second respondent. Thereafter, when the second respondent enquired about the status of the lorries, it came to light that in respect of the lorry bearing Registration No.TN 58 AB 1555, the petitioner has fraudulently obtained No Objection Certificate in the name of the second respondent and has removed the endorsement of



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hypothecation made on the file of RTO Office and sold the said lorry to a third party. Like that, in respect of the lorry bearing Registration No.TN 58 AD 9293, the petitioner has obtained No Objection Certificate in the name of the second respondent and was attempting to remove the hypothecation endorsement made on the file of RTO Office and to sell the said lorry to a third party. Hence, the present complaint has been filed for the alleged offence punishable under Sections 120B, 403, 406, 418, 420, 465, 467, 468 and 474 IPC.

3. The learned Additional Public Prosecutor appearing for the respondent police submitted that the investigation is completed and the Investigating Officer is going to file a final report after getting the opinion of the learned Additional Public Prosecutor.

4. At this stage, the learned counsel appearing for the petitioner seeks indulgence of this Court to withdraw the present petition with liberty to file an appropriate petition after filing the final report.



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5. Hence, this Criminal Original Petition is closed with liberty to the petitioner to file an appropriate petition after filing the final report.

Consequently, connected miscellaneous petition is also closed.

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Index : Yes / No
Internet : Yes / No
ssb

To

1. The Inspector of Police,
City Crime Branch,
Madurai City.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.K.RAMAKRISHNAN,J

ssb

Order made in
Crl.O.P.(MD)No.6173 of 2021

Dated:08.06.2023