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CrI.O.P.No.2573 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.02.2024

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THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

CrI.O.P.No.2573 of 2024

N.Subramanian

.. Petitioner

Vs.

State

Rep. By the Inspector of Police,
Central Crime Branch
EDF II Team III
Vepey, Chennai 600 007

.. Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code to direct the respondent police to complete the investigation and file a final report in Crime No.88 of 2015 within a stipulated period.

For Petitioner : Mr.V.Vijayakumar

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed for a direction to the respondent police to complete the investigation and file a final report within a time stipulated by this Court.

2. Considering the fact that the FIR was registered in the year 2015,



this Court directed the respondent to file a status report and accordingly, the status report has been filed and the relevant portions are extracted hereunder

:-

2. I submitted that the gist of the case is as follows:-

The defacto complainant states that, he is doing business in Chennai. Therefore, he planned to build a house and approached A1 Ramesh of Akshaya Apartment in their Alwarpet Office. So, the accused A1 showed the property of 2500 Sqft building in Alandur and promised the petitioner/defacto complainant to build a house for him in second floor. By believing this, the petitioner/defacto complainant paid Rs.25,00,000/- as advance and sale agreement was registered in Alandur Sub Register Office in doc.no.1614/2008. But the accused A1 did not made build any house and also not executed sale deed. The Accused A1 explained to the petitioner/defacto complainant that they have obtained loan in this property by mortgaging in a Union Bank and promised to build a house. After a compulsion, the accused A1 build a house and gave it to the petitioner/defacto complainant. While checking the documents for sale deed registration, the petitioner/defacto complainant came to know that the registered sale agreement doc.no.1614/2008 was cancelled by using forged signature of the petitioner/defacto complainant and witnesses was signed by accused A2 Magesh and one Mr.Raja and the accused sale deed the property to A2 Magesh and A1's wife Akila Ramesh. Then, the accused mortgaged the property in Union Bank and Allahabad Bank and obtained loan. By not paying the loan amount, the bank has made an auction for the



property. Hence, the accused A1 and A2 cheated the petitioner/defacto complainant to the tune of Rs.25,00,000/-.

3. It is submitted that based on the above complaint, a case was registered in Central Crime Branch, EDF-III, Team XXIA, Chennai, Cr.No.88/2015 u/s 406, 419, 465, 471, 420 r/w 34 IPC by Tmt.S.Rithu, the Assistant Commissioner of Police and submitted the case before Sub Inspector Tmt. Nachifa for further investigation.

4. It is submitted that during the course of investigation, the complainant was enquired and statement was recorded, the bank account statements, property documents, sale agreement doc.no.1614/2008 and 1711/2009 and Encumbrance certificate copies were collected.

5. It is submitted that during the course of investigation, the documents collected registered Sale Agreement doc.no.1614/2008 from Alandur Sub Registrar Office and specimen signature from the petitioner/defacto complainant and sent to forensic lab and obtained opinion as, "On careful examination and comparison the admitted left thumb marked as 'A' found against the name of N. Subramanian said to have photographed from the thumb impression register relating to office attendance registered as Sale agreement in DOC.No. 1614/2008 Dt: 30.05.2008 at Sub-Registrar Office, Alandur and the admitted specimen left thumb impression marked as 'S' of N. Subramanian S/O NambiDevar of No. 142/38, Aani Street, Chinmayanagar, Virugambakkam, Chennai-92 taken before F. Nazurudeen, before F. Nazurudeen, Sub inspector his specimen finger print are identical with each other and are made by one and the same of Police, Team-III, CCB, Chennai-7 on impression of N. Subramanian but both the admitted left thumb impression finger of



*the same person ie Left thumb marked and the admitted specimen left thumb impression marked as *s of N. Subramanian are not identical with the disputed left thumb impression marked as 'Q' found against the name of N. Subramanian said to have been photographed from the thumb impression register relating to office attendance registered as cancellation Deed in DOC. No. 1711/2009 Dt: 23.07.2009 at Sub-Registrar office, Alandur".*

6. It is submitted that during the course of investigation, notice U/s.41A Cr.PC was sent to A1 Ramesh and A2 Magesh to appear for enquiry on 28.04.2022 through registered post. But they have not appeared for enquiry.

7. It is submitted that during the course of investigation, on 16.09.2015, A2 Magesh was died and death certificate has been collected.

8. It is submitted that during the course of investigation, as the AI Ramesh whereabouts were not known, he was not able to enquire. After collecting the details regarding AI Ramesh and bank account documents, the charge sheet will be filed in concerned court.

9. It is submitted that at this stage, the petitioner / Complainant had filed this direction petition seeking to direct respondent police to complete the investigation and file a final report in Crime No. 88/2015 within a stipulated period of time in accordance with law.

10. Now the case is under investigation to do the following aspects

- (i) To examine some more witnesses*
- (ii) To investigate the accused AI and they have to be interrogated the real facts of the case*
- (iii) To collect some more documents related to this case.*



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3. The learned Additional Public Prosecutor on instructions submitted that the incident had taken place in the year 2008 and whereas, the complaint itself was given in the year 2015. There were two accused persons in this case and A2 has already died. Insofar as A1, his whereabouts are yet to be traced and once A1 is apprehended, the investigation will be expediated and a final report will be filed.

4. Considering the facts and circumstances of the case and also the submissions made by the learned Additional Public Prosecutor, the respondent police is directed to complete the investigation and file the final report or the closure report, as the case may be, within a period of six months from the date of receipt of a copy of this order.

22.02.2024

Index :Yes/No
Internet:Yes/No
Speaking/Non speaking order
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Crl.O.P.No.2573 of 2024

N. ANAND VENKATESH,J

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To

1. State
Rep. By the Inspector of Police,
Central Crime Branch
EDF II Team III
Vepery, Chennai 600 007
2. The Public Prosecutor,
High Court, Madras.

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