



Criminal Original Petition No.5772 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.5772 of 2024

&

CrI.M.P.No.4203 of 2024

M.Sabitha
D/o.Mahesh

... Petitioner

Vs.

1.State of Tamilnadu
represented by
The Inspector of Police,
R9, Valasaravakkam Police Station,
Valasaravakkam, Chennai.
Crime No.918 of 2023

2.Santha Kumari
W/o.E.Balan

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to call for records relating to the First Information Report in Crime No.918 of 2023 on the file of first respondent police and quash the same.

For Petitioner : Mr.Karthikeyan Sekar

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor[R1]



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ORDER

WEB COPY This petition has been filed to call for the records in Crime No.918 of 2023 on the file of first respondent and quash the same.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for first respondent.

3. The contentions put forth by the learned counsel appearing on behalf of the petitioner are purely factual in nature and this Court cannot venture into conducting a mini investigation into the matter and it therefore does not fall within the ambit of its jurisdiction under Section 482 of Cr.P.C. This Court must also bear in mind the parameters laid down by the Apex Court in *Neeharika Infrastructure Pvt.Ltd.*, case reported in **2021 SCC Online SC 315**. Any finding on facts will also have a bearing on the investigation conducted by the respondent Police.

4. The main ground that was urged by learned counsel for petitioner is that her father (A1) had actually received the entire amount from the *de facto* complainant. The petitioner is aged about 23 years and she is a college student staying presently at Canada. Since the petitioner



has a right over the property, a civil suit has also been instituted in O.S.No.4095 of 2023 pending before the II Additional City Court, Chennai, seeking for the relief of partition and for permanent injunction. In this suit, the father of the petitioner (A1) and the husband of the *de facto* complainant are the defendants. Learned counsel submitted that there is absolutely no justification in adding the petitioner as an accused in this case.

5. Learned Additional Public Prosecutor submitted the written statement given by the father of the petitioner (A1). In this statement, the father of the petitioner has specifically stated that he has received the entire consideration from the *de facto* complainant and has also handed over possession. He is not in a position to register the document in view of the objection raised by the petitioner, who is claiming for a share.

6. In view of the above, it is clear that A1 has admitted receipt of the entire amount from the *de facto* complainant and he does not say that he had parted with this amount to the petitioner. In any case, the petitioner is a college going student, who has nothing to do with the



transaction between her father and the *de facto* complainant. Therefore, there is no reason to make the petitioner as an accused without any basis.

7. The petitioner is directed to give the e-mail particulars to the first respondent. The first respondent shall send Section 41-A Cr.P.C. notice to the petitioner and conduct enquiry through video conferencing platform. The statement of the petitioner shall be recorded and the first respondent thereafter shall proceed further in accordance with law.

8. In the facts and circumstances of the case, this Court is not inclined to interfere with the investigation conducted by the respondent Police at this stage.

In the result, this Criminal Original Petition is dismissed and the respondent Police is directed to proceed further with the investigation in accordance with law and complete the investigation and file a final report or a closure report, as the case may be, within a period of three (3)

months from the date of receipt of a copy of this order. Consequently,



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connected miscellaneous petition is closed.

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11.03.2024

Speaking Order/Non-speaking Order

Index :Yes/No

Neutral citation: Yes/No

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To

1. The Inspector of Police,
R9, Valasaravakkam Police Station,
Valasaravakkam, Chennai.
Crime No.918 of 2023

2. The Public Prosecutorm
Madras High Court, Chennai - 104.

N.ANAND VENKATESH, J.



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