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Crl.O.P.No.8870 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2024

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.8870 of 2022

and

Crl.M.P.Nos.5160 & 5161 of 2022

1. S.Ravindran
2. V.Rani
3. M.Veeramani
4. Deivendran
5. K.Chandrasekaran

... Petitioners

Versus

1. State rep. by its
The Inspector of Police,
Central Crime Branch-I,
EDF-I Wing, Vepery, Chennai-7.

2. P.Prema

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records of the final report in C.C.No. 540 of 2022 pending on the file of Special Metropolitan Magistrate for CCB-CBCID Cases, Egmore, Chennai and quash the same.



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For Petitioners : Mr.M.Palanivel
For Respondents : Mr.S.Vinoth Kumar,
Govt. Advocate (Crl. Side) for R1

R2- No appearance

ORDER

This Criminal Original Petition has been filed seeking to quash the final report in C.C. No. 540 of 2022 on the file of Special Metropolitan Magistrate for CCB-CBCID Cases, Chennai.

2. Heard both sides.

3. The petitioners are ranked as A1 and A3 to A6 in the final report in C.C.No. 540 of 2022 on the file of Special Metropolitan Magistrate for CCB-CBCID Cases, Egmore, Chennai, which was lodged for the offence under Sec.294(b), 406, 420 r/w 34 of I.P.C. based upon the complaint given by Central Crime Branch-I, EDF-1 Wing, Vepery, Chennai. Originally, the complaint was filed by one P.Prema stating that she along with 7 others purchased a house plot from one Rangan, who is arrayed as A2 through A1 Ravindran. A2 claimed himself as owner of property situated at Survey No.301/2B, an extent of 63 acres situated at Palanthandala Village,



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Sriperumbudur Taluk, Kancheepuram District. A1 Ravindran is the power of attorney of A2. The other petitioners A3 to A6 are attesting witnesses and mediators. After the purchase of property, when they attempted to get patta, they came to know that property is not belong to A2 and the property in Survey No.301/2 belong to Ashok Leyland. By suppressing the real ownership and by giving false promise, they have collected a sum of Rs.87,69,800/-. Therefore, they gave a complaint and the final report was filed under Sec.294(b), 406, 420 r/w 34 of I.P.C. Challenging the said final report, now the petitioners approached this court to quash the same.

4. The learned counsel for petitioners would submit that they have been falsely implicated in this case by the 1st respondent police. In fact, the final report filed by the prosecution without examining the revenue officials, which itself clearly shows that they have not committed any offence. Further, there is a false information that the property belong to Ashok Leyland. Therefore, the petitioners have not committed any offence of cheating or any other offence as alleged by the 1st respondent police. Hence, he prayed to quash the proceedings initiated against them.



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5. By way of reply, the learned Government Advocate (Criminal side) appearing for 1st respondent would submit that the land is not belong to A2, but by giving false information and impersonated himself as a owner of property, he has collected nearly about a sum of Rs.87 lakhs from the victims and sold the property to innocent purchasers. In fact, the said survey number is not belong to A2, which is belong to Ashok Leyland. Hence, he raised strong objections and prayed to dismiss this petition.

6. On seeing entire facts, it reveals that the final report was filed against all the accused, which needs detailed trial and evidence. Therefore, I am not inclined to quash the proceedings initiated against the petitioners and I do not find any irregularity in the charge sheet filed against them. Accordingly, this Criminal Original Petition is dismissed. However, liberty is granted to the petitioners to raise all their defence before the trial court. Consequently, connected Criminal Miscellaneous Petition is closed.

19.03.2024

Index: Yes/No
Internet: Yes/No
rpp



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To
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1. The Inspector of Police,
Central Crime Branch-I,
EDF-I Wing, Vepery, Chennai-7.
2. The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI, J.

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