



WEB COPY



Crl.O.P.No.7953 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.04.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.7953 of 2024

Rajitha Mirnalsen @ Reshmin

... Petitioner

Vs.

1.State Rep.by
The Inspector of Police,
CCB-1, Chennai.
Crime No.245 of 2023

2.Harinder Pal Singh
Respondents

...

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to quash the First Information Report on the file of the Inspector of Police, CCB, Egmore, Chennai on the Crime No.245 of 2023 dated 12.10.2023 in which the petitioner has arrayed as 2nd accused.

For Petitioner : Mr.R.Rathinakumar

For R1 : Mr.S.Udaya Kumar
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition is filed to quash the F.I.R., in
Crime No. 245 of 2023 on the file of the 1st respondent police.



Crl.O.P.No.7953 of 2024

2. Promising the loan of Rs.70 Crores, a sum of Rs.1,40,00,000/- been collected from the defacto complainant under a fake demand draft given to him, pursuant to that the complaint has been filed and registered in Crime No.245 of 2023 on 12.10.2023.

3. The learned counsel appearing for the petitioner submits that the 1st accused has already paid Rs.1,01,00,000/- and this petitioner who is arrayed as 2nd accused has paid Rs.39,00,000/- to the defacto complainant. Having fully paid the amount, the complaint is bound to be quashed.

4. However, the learned Government Advocate (Crl.Side) appearing for the respondent police states that a complaint for offence under Sections 406, 420, 465, 467, 468, 471 & 120B of IPC been registered is under investigation. Though the petitioner claims that the money received from the defacto complainant been returned, there are other offence of creating false demand draft for Rs.70 Crores and the matter has to be investigated. As far as this petitioner is concerned, there is already two cases of identical nature is pending.

5. Any event, a case of this nature at the investigation stage



CrI.O.P.No.7953 of 2024

cannot be quashed pursuant to the guide line issued by the Hon'ble Supreme Court in *Bajanlal* case and followed by *M/s.Neeharika Infrastructure Private Limited* case. Hence, this Criminal Original Petition is disposed of. Consequently, the connected Criminal Miscellaneous Petition is closed.

02.04.2024

Index : Yes/No

Neutral Citation : Yes/No

rpl

To

1.The Inspector of Police,
CCB-1, Chennai.

2.The Public Prosecutor,
High Court of Madras,
Chennai.

Dr.G.JAYACHANDRAN,J.

rpl



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