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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CRL.OP.No.8313 of 2024

and

CRL.MP.No.6076 of 2024

1. Amudha Bharathi

2. Mohanraj

... Petitioners

Vs.

1. The State Rep by
The Inspector of Police
Fairlands Police Station
Salem City,
Cr.No.796 of 2023.

2. Sundarrajan
Respondents

...

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the entire records relating to the Cr.No.796 of 2023 pending on the file of the Inspector of Police, Fairlands Police Station, Salem City and quash the same.

For Petitioners : M/s.C.R. Gokulvisvas

For Respondents : Mr.S.Udayakumar for R1
Government Advocate (Crl.Side)
Mr.B. Sundarapandiyan for R2



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ORDER

This petition is filed to quash the FIR in Cr.No.796 of 2023 on the file of the Inspector of Police, Fairlands, Salem.

2. The perusal of the complaint indicates that the accused person has sold the second hand car to the complainant and had received Rs.1,29,000/-. As per the agreement, the complainant has to pay balance of Rs.46,000/- and to receive the RC book. When the complainant came forward to pay balance of Rs.46,000/-, the accused person has refused to receive the money and give the RC book. Infact, the copy of the RC book indicates that the vehicle is owned by one Gopalakrishnan which has been hypothecated by Sundaram Finance. Where as the accused persons/petitioners herein have received the money from the complainant claiming that the owner of the vehicle is their brother-in-law. Since ingredient of cheating is made out, this case is not fit for quash. The matter has to be investigated thoroughly by the police. Hence, the petition to quash is dismissed, directing the police to take necessary action against the person who has received money from the complainant posing as if they are authorized to sell the vehicle owned by third party.



Consequently, connected miscellaneous petition is closed.

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Index: Yes/No
Speaking/Non-speaking order
Neutral Citation

gv

To

1. The Inspector of Police
Fairlands Police Station
Salem City,
Cr.No.796 of 2023.
2. The Public Prosecutor,
High Court of Madras,
Chennai.



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Dr.G.JAYACHANDRAN,J.

gv

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