



WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2024

CORAM:

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

CRL.OP No. 11357 of 2022

& CrI.MP. No. 6557 & 6558 of 2022

- 1 Y.VIMALA BAI
- 2 KAVITHA

...petitioners

Vs.

- 1 THE STATE REP BY
SUB INSPECTOR OF POLICE EDF-11 TEAM XXXVII
CENTRAL CRIME BRANCH 1 VEPERY CHENNAI 07.
- 2 KISHORE BAFFNA
M/S.VEE PEE HOUSING AND DEVELOPMENT INDIA
NO.30/39 THACKER STREET PURASAWALKAM
CHENNAI 600 084.(SUO MOTU IMPEADED AS PER
ORDER IN CRL.O.P.NO.11

...Respondents

PRAYER : This petition has been filed under Section 482 of Cr.P.C, to call for the records in Crime No.44 of 2022 on the file of the respondent police



and quash the same.

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For Petitioners : Mr.Mohammed Asif
For R1 : Mr.S.Vinoth Kumar
Government Advocate (Crl. Side)
Not Appeared for R2

ORDER

The petitioner herein filed this petition to call for the records in Crime No.44 of 2022 on the file of the respondent police and quash the same.

2. The case of the prosecution is that one Kishore Bafna have entered into a joint venture agreement and received Rs.1.5 crores for the construction expenses. They specifically agreed to take three flats and one shop, two flats and two shops to the defacto complainant. However, after completion of the construction, they are demanding further sum of Rs.1 crores and also A1 had settled the property in favour of A2. A1 is the mother of A2.

3. The learned counsel for the petitioners submit that there was civil dispute pending between the parties with regard to the same issue despite they filed the present criminal complaint against the petitioner as such is



vexatious one and also submits that no proper witness was collected in this regard. Prayed to allow this petition.

4. The learned Government Advocate (Crl. side) submits that earlier complaint against the petitioner was closed. Later they failed to comply the terms of the agreement entered between them and the defacto complainant paid Rs.1.5 crores for construction work but the petitioner failed to hand over the undivided share and failed to comply the terms of the agreement.

5. Considering the facts of the case, the investigation is at initial stage. Hence, this court is not inclined to quash the FIR. Accordingly, this petition is dismissed. No Costs. Consequentially, connected miscellaneous petition is quashed.

03.01.2024

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To
The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI, J.

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