



Crl.O.P.No.18080 of 2024

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:17.10.2024

Coram:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.18080 of 2024

and

Crl.M.P.No.10725 of 2024

1.Vetrivel

2.Punitha

.. Petitioners/A1 and A3

/versus/

1.The State rep.by its
Inspector of Police,
Vedharanyam Police Station,
Nagapattinam District.

.. 1st Respondent/Complainant

2.M.Anbarasu

.. 2nd Respondent/Defacto
Complainant

Criminal Original Petition has been filed under Section 482 of Cr.P.C., to call for the records pertaining to the impugned FIR No.119 of 2024 on the file of the 1st respondent dated 26.05.2024 and to quash the same.

For Petitioners :M/s.K.Manikuyil

For R1 :Mr.K.M.D.Muhilan
Govt.Advocate (Crl.Side)



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ORDER

This petition is filed to quash the FIR in Crime No.119 of 2024 for the alleged offences under Sections 415, 418 and 420 of IPC as against three persons.

2. The petitioners are A1 and A3. They are the husband and wife. According to the petition, the defacto complainant M.Anbarasu is a practising Advocate and the petitioners are also Members of the Bar Association of Vedharanyam. The petitioners were introduced to the second respondent by one Rameshkumar, who is the second accused in this complaint. He happens to be the Manager, LIC. The complainant Anbarasu invested Rs.12,00,000/- in Neomax Infinite Property and also obtained sale deed on 20.05.2022 from M/s Garlando Properties Pvt.Ltd. which is a part of M/s Neomax Infinite Property. Alleging that the balance amount invested not paid, the petitioners have been implicated and for transaction between the complainant and M/s Neomax Infinite Property the petitioners been falsely implicated. Hence, the complaint has to be quashed.



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3. The learned Government Advocate (Crl.Side) submitted that the complaint forwarded by the Judicial Magistrate under Section 156(3) of Cr.P.C., been registered in Crime No.119 of 2024 and the same has been under investigation.

4. The statement of the complainant *prima facie* indicates that Rs.12,00,000/- was received by the petitioners and the second accused promising the complainant that he will get double the amount as returns. The transaction of the property in favour of the complainant for value of Rs.5,40,000/- was only temporary arrangement made between the parties and the petitioners have agreed to pay the entire amount of Rs.12,00,000/- and get back the property, but they have not honoured their commitments. Whether there is any commission of cognizable offence made out, has to be investigated and only on completion of investigation, the respondent police will be in a position to ascertain whether they shall proceed against the petitioners are not.

5. The learned counsel appearing for the 2nd respondent furnishing an undertaking given by the 1st petitioner on 17.09.2023



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submitted that having promised to repay the money by 31.12.2023, the petitioners failed to repay the money received and hence, they have to face the prosecution for committing offence of breach of trust.

6. On considering the materials placed before this Court, it is not a fit case to quash the First Information Report, since there is *prima facie* material available regarding transaction of money and non-payment with deceptive intention. Hence, this Criminal Original Petition to quash is dismissed without prejudice to the rights of the petitioners herein to challenge the final report, if so advised. Consequently, connected Miscellaneous Petition is closed.

17.10.2024

Index:yes/no

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To:

1.Inspector of Police, Vedharanyam Police Station,
Nagapattinam District.

2.The Public Prosecutor, High Court, Madras.

Dr.G.JAYACHANDRAN,J.



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