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CrL.OP.No21024 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CrL.OP.No.21024 of 2024

and

CrL.MP.No.12071 and 11512 of 2024

Vijayalakshmi

... Petitioner

Vs.

1. The State rep.by
The Inspector of Police,
R-1, Mambalam Police Station,
T.Nagar, Chennai.
(Cr.No.1 of 2024)

2. V.E.Vairavan

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS 2023, to call for the records pertaining to Cr.No.1 of 2024 dated 05.01.2024 on the file of the 1st respondent police and quash the same.

For Petitioner : Mr.S.John Josh

For Respondents : Mr.S.Udaya Kumar
Government Advocate (CrL.Side)
for R1



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ORDER

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This Criminal Original Petition is filed to quash the FIR in Cr.No.1 of 2024 registered on 05.01.2024 pursuant to the complaint given by one Vairavan. Alleging that the petitioner has received a sum of Rs.24,55,000/- promising him to construct a flat, but has not kept the promise. He was deceived by the petitioner and was received the money with an intention to cheat.

2. The learned counsel appearing for the petitioner submits that this is the third complaint in respect of same transaction giving a criminal colour to civil dispute. He further submits that the money was investigated by the complainant in the company to buy share capital and transaction took place between 2017 and 2018. To recover a time bar debt, the present complaint been given with criminal colour.

3. The learned Government Advocate (Crl.Side) submits that there is enough material to investigate the matter since the money alleged to have been received by the petitioner with a false promise to construct apartment and allot flats to the defacto complainant.



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4. Since the material placed before this Court indicates mixed fact which have trapping of commission of criminal offence, it is premature to decide that the complaint is purely civil in nature. Hence, this Criminal Original Petition is dismissed. Consequently, the connected miscellaneous petition is closed.

5. The petitioner is directed to co-operate with the investigation and if final report is filed without any material incriminating the petitioner for commission of cognizable offence, it is open to the petitioner herein to get redressal against the final report, if so advised. Consequently, the connected miscellaneous petitions are closed.

30.08.2024

Vv

To

1. The Inspector of Police,
R-1, Mambalam Police Station,
T.Nagar, Chennai.
2. The Public Prosecutor,
High Court of Madras, Chennai.



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Dr.G.JAYACHANDRAN,J.

Vv

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