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Crl.OP.Nos.20032, 20043 and 20485 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.OP.Nos.20032, 20043 and 20485 of 2024
and
Crl.MP.Nos.11627, 11637 and 11834 of 2024

Crl.OP.No.20032 of 2024

Paul Benaiah @ Paul

.. Petitioner

Vs.

1. The State,
Rep.by the Inspector of Police,
Kundrathur Police Station,
Kancheepuram District.
(Cr.No.839 of 2022)

2. A.Sasikala

.. Respondents

Crl.OP.No.20043 of 2024

Paul Benaiah @ Paul

.. Petitioner

Vs.

1. The State,
Rep.by the Inspector of Police,
Kundrathur Police Station,
Kancheepuram District.
(Cr.No.838 of 2022)

2.Hemraj

.. Respondents



Crl.OP.Nos.20032, 20043 and 20485 of 2024

Crl.OP.No.20485 of 2024

Paul Benaiah @ Paul

.. Petitioner

Vs.

1. The State,
Rep.by the Inspector of Police,
Kundrathur Police Station,
Kancheepuram District.
(Cr.No.840 of 2022)

2. Delliganesh

.. Respondents

Common Prayer: Criminal Original Petition is filed under Section 528 of BNSS Act, 2023 to call for the records pertaining to the First Information Report in Cr.Nos.839, 838 and 840 of 2022 respectively on the file of the 1st respondent and quash the same.

For Petitioner : Mr.S.Senthamizhan
(in all Crl.OPs)

For Respondents : Mr.S.Udaya Kumar,
Government Advocate (Crl.Side)
(in all Crl.OPs)

COMMON ORDER

The petitioner herein posing himself as loan agent for State Bank of India had lured persons and after arranging loan for purchase of cars, he has taken cars from them and gone missing. The complaints were



Crl.OP.Nos.20032, 20043 and 20485 of 2024

registered by the respondent police against this petitioner and his associate by name Arunachala Pandian. Out of four complainants, in two cases, cars of the complainants were recovered and two more cars are yet to be recovered. The petitions to quash the complaints are before this Court on the ground that this petitioner is an innocent person and he has nothing to do with the complaints or the car mentioned in the complaints.

2. However, the learned Government Advocate (Crl.Side) appearing for the respondent police submits that scheme of cheating gullible persons been devised by this petitioner and his associate and after getting car loan from the bank in the name of the victims, the petitioner is used to take back the car promising that it would be returned within few days, but he had gone missing with the car.

3. The learned Government Advocate further submits that the complaint in Cr.No.839 of 2022 which is subject matter of Crl.OP.Nos.20032 of 2024 is in respect of complaint given by one Sasikala, who had stated that the car purchased by her bearing Regn.No.TN-85-C-5355 was taken by this petitioner on 09.03.2022 promising that he would return it back within 10 days after bank audit work is over, but, even after nine months, he did not return the car.



Crl.OP.Nos.20032, 20043 and 20485 of 2024

4. The learned Government Advocate further submits that the complaint in Cr.No.838 of 2022 which is subject matter of Crl.OP.Nos.20043 of 2024 is in respect of complaint given by one Hemraj, who stated that the petitioner herein posing himself as agent of State Bank of India and promised to arrange loan for Rs.1,00,000/- through Indus Ind Bank, thereafter, took away his car Mahindra XUV 500 FWD W8, TN-09-BL-2169 on 28.12.2021, but, not returned the car, even after one year. This car is yet to be recovered.

5. The learned Government Advocate further submits that the complaint in Cr.No.840 of 2022 which is subject matter of Crl.OP.No.20485 of 2024 is in respect of complaint given by one Delliganesh, who stated that the car loan was arranged by this petitioner for Rs.3,50,000/- from TVS Finance and the second hand car bearing Regn.No.TN-22-CC-7000 Hyundai Asta 120 White Colour was purchased out of loan amount taken by the petitioner herein on 01.06.2022. But, till date of complaint (30.12.2022), he has not returned the car, nor his whereabouts are known, whereas the said car was later recovered from one Vasanth Kumar who is friend of Arunachala Pandian/A2 who is associate of this petitioner.



Crl.OP.Nos.20032, 20043 and 20485 of 2024

6. With the above facts, the learned Government Advocate (Crl.Side) submits that the petitioner herein who has actively involved in cheating persons and taken away many cars and till date could not be recovered, is not entitled for any remedy as sought in the petition.

7. The learned counsel appearing for the petitioner submits that though complaints are lodged against him, there is no evidence to prove that money was paid to him or received by him from the complainants.

8. This Court finds that the investigation has led to recovery of two cars, one from the petitioner and another from his close associate/co-accused. The scheme of deceiving the public is uniform as spoken by the respective complainants. Since the investigation not completed and cars are yet to be recovered, the petitioner herein is not entitled for remedy sought in the petition. Hence, these Criminal Original Petitions are dismissed. Consequently, the connected miscellaneous petitions are closed.

19.09.2024

Vv



Crl.OP.Nos.20032, 20043 and 20485 of 2024

To

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1. The Inspector of Police,
Kundrathur Police Station,
Kancheepuram District.
2. The Public Prosecutor,
High Court of Madras.



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Crl.OP.Nos.20032, 20043 and 20485 of 2024

Dr.G.JAYACHANDRAN,J.

Vv

Crl.OP.No20032, 20043 and 20485 of 2024

19.09.2024s