



WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2024

CORAM:

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

CRL.OP No. 23157 of 2022
& CrI.MP. No. 14801 of 2022

1 Dhanraj N. Kochar

2.Shri Inderchand Kochar

...Petitioner

Vs.

1 The state Rep by
The Inspector of Police,
CCB - I, Vepary,
Chennai - 600 007.

2.S.Sridevi

...Respondents

PRAYER : This petition has been filed under Section 482 of Cr.P.C , to
call for the records in connected with FIR No. 69 of 2022 on the file of CCB
-I, Chennai quash the same.

For Petitioners : Mr.B.Satish Sundar
For R1 : Mr.S.Vinoth Kumar
Government Advocate (Crl. side0
For R2 : Mr.T.T.Ravichandran



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ORDER

The petitioner herein filed this petition to call for the records in connected with FIR No. 69 of 2022 on the file of CCB -I, Chennai quash the same.

3. Heard both sides.

2. The submission of the learned counsel for the petitioner is that the alleged FIR is false one for the reason that it does not disclose offence under Section 406, 420 r/w 34 IPC. Further, he states that to attract Section 405 IPC there must be a entrustment of the property but the present case cash was paid through cheques directly to the vendors of the property. Therefore, no offence of criminal breach of trust would lie as there is no entrustment. Further, he submits that Section 420 IPC is not attract for the reason that no cheating was committed on their part as there is no dishonest intention on the part of the petitioner. The defacto complainant document was registered after the death of her husband/Abinash Babu but the learned counsel for the petitioner submits that the alleged sale deed was registered on 13.07.2005 thereafter husband of the defacto complainant was died but entire complaint allegations revolves around the death date of the husband of the



complainant. According to the defacto complainant, she paid 1.80 crores to the accused besides original document of the property also hold by the accused concerned along with signature of the husband in blank papers with regard to the purchase of the property. Hence, she filed the complaint. On seeing the entire facts, it reveals that there is a dispute between the parties near about 18 years, which it needs detailed investigation. I am not inclined to allow this petition. Accordingly, this petition is dismissed.

20.03.2024

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To
The Public Prosecutor, High Court, Madras.



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4

T.V.THAMILSELVI, J.

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