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Crl.O.P.No.26556 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.03.2024

CORAM :

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

Crl.O.P.No.26556 of 2022
and
Crl.M.P.No.16354 of 2022

M.Ganesh

... Petitioner

Versus

1.State of Tamil Nadu,
Rep. by its Sub-Inspector of Police,
Banking Fraud Investigation Wing,
Central Crime Branch, Team-XI,
Vepery, Chennai-07.
C.C.No.187 of 2022

2.M.P.Paulson

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, praying to call for the records relating to the proceedings in C.C.No.187 of 2022 on the file of the CCB /CBCID, Metropolitan Magistrate Court, Egmore, Chennai and quash the same.

For Petitioner : Mr.V.Illanchezian

For R1 : Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)



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For R2 : Mr.Arfat Mohammed

ORDER

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This petition has been filed to quash the proceedings in C.C.No.187 of 2022 on the file of the CCB /CBCID, Metropolitan Magistrate Court, Egmore, Chennai, in which cognizance was taken for the offences under Sections 420, 465, 467, 468 & 471 of IPC.

2. When the matter is taken up for hearing today, the learned counsel for the petitioner submitted that the matter was settled between the petitioner and the defacto complainant. The petitioner paid the loan for a sum of Rs.11,19,681.51/- through two demand drafts. (i). DD.No.380309, in favour of M.Ganesh SBI Loan No.64123542959, Bank Name: Indian Bank, Dt.11.03.2024 and (ii). DD.No.847438, in favour of M.Ganesh SBI Loan A/c.No.64123542959, Bank Name: IndusInd Bank, Dt.11.03.2024 and also produced the copy of the demand drafts before this Court. He further submitted that while granting bail in Crl.O.P.No.16354 of 2022, the petitioner was directed to deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs only) to the credit of Crime No.183 of 2020, before the learned CCB/CBCID Metropolitan Magistrate, Egmore, Chennai.



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3. Considering the submission made by the learned counsel for the petitioner and also the matter was settled between the parties, to that effect he produced the copy of the demand draft before this Court. Therefore the entire proceedings pending in C.C.No.187 of 2022 on the file of the CCB /CBCID, Metropolitan Magistrate Court, Egmore, Chennai is ordered to be quashed.

4. However, the petitioner is directed to withdraw the deposited amount of Rs.5,00,000/- (Rupees Five Lakhs only) in Crime No.183 of 2020, before the learned CCB /CBCID, Metropolitan Magistrate, Egmore, Chennai. The learned CCB /CBCID Metropolitan Magistrate, Egmore, Chennai is directed to pay the deposited amount of Rs.5,00,000/- (Rupees Five Lakhs only) within a period of one week from the date of receipt of a copy of this order to the petitioner in the manner known to law, on proper identification and on filling appropriate affidavit in this regard.

5. Accordingly, this Criminal Original Petition is allowed. Consequently, the connected Miscellaneous petition is closed.

12.03.2024

Index : Yes/No
Speaking/Non Speaking order

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T.V.THAMILSELVI, J.

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