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Crl. O.P.No.24323 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :03.10.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.OP.No.24323 of 2024

and

Crl.MP.No.13708 of 2024

Rahuman @ Kaleel Rahman

.. Petitioner

Vs.

1. The State rep by its
Inspector of Police,
S10-Pallikaranai Police Station,
Chennai District.

2. A.Lakshmi Priya

.. Respondent

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records First Information Report in Cr.No.465 of 2024 dated 07.08.2024 pending on the file of the Inspector of Police, S-10, Pallikaranai Police Station, Chennai and quash the same.

For Petitioner : Mr.J.Parthiban

For Respondents : Mr.K.M.D.Muhilan
Government Advocate (Crl.Side)
for R1



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ORDER

This Criminal Original Petition is filed to quash the FIR in Cr.No.465 of 2024 registered on 07.08.2024 for offences under Section 406 and 420 of IPC on the complaint given by one Lakshmi Priya as against Ram Kumar and Rahuman.

2. The learned counsel appearing for the petitioner submits that the registration of an FIR on 07.08.2024 under Section 406 and 420 of IPC is not maintainable, since Indian Penal Code been repealed and replaced by BNSS Act with effect from 01.07.2024. He further submits that he has registered used Car Dealer, he has nothing to do with the car which according to the complainant taken away by the Ram Kumar, the first accused and cheated without paying the EMI to the car, as he promised. He further submits that the subject car has already been recovered and therefore, the case against him to be quashed.

3. Per Contra, the learned Government Advocate (Crl.Side) appearing for the respondent police submits that the said Ram Kumar



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who is the associate of this petitioner. The car of the complainant found in the garage of the petitioner and recovered. The investigation is in advance stage and final report will be filed within a period of two months based on the materials collected in the course of the investigation.

4. Taking note of the fact that the car of the complainant been recovered from the possession of the petitioner, whether it was entrusted to him and received by him with bonafide intention or otherwise is the matter under investigation. However, based on the final report if the petitioner **had** found prima facie committed any commission of any cognizable offence, then it is open to the petitioner herein to challenge the final report, if so advised.

5. Since it is premature to decide about the innocence of the petitioner, this Criminal Original Petition is disposed with liberty stated above. Consequently, the connected miscellaneous petition is closed.

03.10.2024

Vv



CrI. O.P.No.24323 of 2024

WEB COPY To

1. The Inspector of Police,
Annur Police Station,
Coimbatore, Coimbatore District.
2. The Public Prosecutor,
High Court of Madras.



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Dr.G.JAYACHANDRAN,J.

Vv

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