



Crl.O.P.No.26075 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.11.2024

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No.26075 of 2024

A.S.Balu

... Petitioner

Vs.

1. State represented by
The Inspector of Police,
CBCID South,
Tiruppur.

2. Chandru

... Respondents

PRAYER: Criminal Original Petition filed under Section 528 of BNSS (482 of Cr.P.C.,) to call for the records in Crime No.01 of 2020 dated 07.03.2020 on the file of the first respondent and direct the first respondent to issue copy of the diary proceedings and related documents dated 02.09.2024 in respect of arrest of the petitioner/accused 16.

For Petitioner : Mr.S.Murugan

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



Crl.O.P.No.26075 of 2024

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ORDER

This Criminal Original Petition has been filed to call for the records in Crime No.01 of 2020 dated 07.03.2020 on the file of the first respondent and direct the first respondent to issue copy of the diary proceedings and related document dated 02.09.2024 in respect of arrest of the petitioner/ A16.

2. Heard the learned counsel appearing on behalf of the petitioner and the learned Government Advocate (Crl.Side) appearing for the official respondent and perused the materials available on record.

3. Since there is no adverse order passed against the private respondent, notice to the private respondent is dispensed with.

4. The learned counsel for the petitioner submitted that the petitioner valued the property as per norms and has given valuation



Crl.O.P.No.26075 of 2024

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certificate. He has nothing to do with the alleged offence. He was arrested by the respondent police without any valid reason. Hence he filed the above criminal original petition.

5. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that without visiting and verifying the property, the petitioner has given valuation report for the property by boosting the value exorbitantly and thereby he committed the offence. He further submitted that the petitioner along with other accused forged the revenue documents and used the same to avail loan.

6. Admittedly, on perusal of the complaint, it is seen that there is prima facie allegation made out as against the petitioner. The involvement of the petitioner in the alleged offence and as to whether the petitioner is innocent or not are all the matters that would be decided during trial. Hence, this Court is not inclined to grant the relief as sought for by the petitioner at this stage.



Crl.O.P.No.26075 of 2024

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7. In view of the same, the Criminal Original Petition is dismissed. However, the respondent police is directed to expedite the investigation and file a charge sheet as early as possible.

12.11.2024

mfa

Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No



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Crl.O.P.No.26075 of 2024

P.VELMURUGAN, J.

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Crl.O.P.No.26075 of 2024

12.11.2024