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Crl.O.P.No.29364 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2024

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.29364 of 2022

and

Cr.M.P.No.17958 of 2022

Andrews Caldwell

Vs.

... Petitioner

1.State Rep. by its
The Inspector of Police,
CCB-I, Team-37, EDF-II
Chennai District.
Crime No.32 of 2023
(Amended as per Court order dated 27.02.2023
in Crl.M.P.No.2604 of 2023 and
Crl.O.P.No.29364 of 2022.)

2. K.K.Swamidoss

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C.,
praying to call for the records and to quash the FIR in Crime No.32 of 2023,
pending investigation on the file of the Inspector of Police, CCB-I, Team-
37, EDF-II, Chennai.



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For Petitioner	:Ms.G.Sri Jayashree for Mr.S.Arivazhagan
For R1	:Mr.S.Vinoth Kumar Government Advocate (Crl.Side)

ORDER

The petitioner has filed this petition to quash the FIR in Crime No.32 of 2023 pending investigation on the file of the 1st respondent, for the offences under Sections 406, 420 and 506(ii) of IPC, as against the petitioner.

2. The case of the prosecution is that, on 17.07.2016 the defacto complainant lodged complaint before J3, Sub-inspector of Police, Guindy police station, alleged that one Prabhu had approached him in the month of December 2013 and offered to purchase the property of this principle Tr.Ember, comprised in Survey No.83/1A,83/1B1B measuring to an extent of 8081 Sq.ft. Situated at Ekattur Village, through one Pachaiyappan who was a broker. After negotiations and discussions, the sale price had been fixed at Rs.1,63,00,000/-. Accordingly the sale deed was executed in favour of Prabhu on 02.06.2014. Further, he alleged that when he demanded



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Rs.50,000/- out of the sale amount on 31.12.2014 the said Prabhu had refused to give the amount to the defacto complainant. Subsequently, on 01.01.2015, A3 & A4 who themselves introduced as Police and entered into the house of the defacto complainant and kidnapped him. They forcefully obtained signatures in the white paper and took the title deeds and cheques. They obtained signatures in the cheques. After obtaining the signatures, they threatened him with dire consequences. Subsequently, he was forcefully kidnapped from his office for execution of sale deed in favour of A4. Subsequently, they forcefully obtained sale deed in the name of A4. On 12.07.2016, A2 & A3 along with three others kidnapped the defacto complainant and demanded amount of Rs.4,00,00,000/- and also threatened the defacto complainant they would kill him based on the allegations, the respondent police have registered the case for the alleged commission of offences punishable under Section 406, 420 and 506(2) of IPC.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted he is no way connected with the alleged offence made by



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the defacto complainant. Hence, he prays to quash the proceeding of the FIR in Crime No.32 of 2023.

4. The learned Government Advocate (Crl.Side) appearing for the 1st respondent submitted that the petitioner is a police officer and he also engaged in other IPC cases i). PSCr.No.112/2022, under Section 376, 406 IPC, dated 27.01.2022. ii). Pallikaranai PS Cr.No.501 / 2022, under Section 354D, 67 IPC. He further submitted that the witnesses of the Thanigaivel purchaser of Pallikaranai and other witnesses to be enquired. The genuinty of the patta produced by the defacto complainant to be verified in the Revenue department. The genuinty of the memorandum of understanding stamp paper to be verified. To collect documents form the revenue department and other various authorities. A1 and A2 to be enquired. It is only at the stage of FIR, and he needs detailed investigation. Hence, he opposed to quash the proceedings against the petitioner.

5. Considering the facts and circumstance and also considering the antecedents of the petitioner and it is only at the stage of FIR, the prosecutor needs detailed investigation, this Court is not inclined to quash the



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proceedings against the petitioner in Crime No.32 of 2023 pending investigation on the file of the 1st respondent.

5. Accordingly, this Criminal Original Petition is dismissed as devoid of merits. Consequently, connected miscellaneous petition is closed.

05.01.2024

Speaking Order/ Non Speaking Order

Index: Yes/ No

Neutral Citation: Yes/No

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To

1.The Inspector of Police,
CCB-I, Team-37, EDF-II
Chennai District.
Crime No.32 of 2023

2.The Public Prosecutor,
High Court of Madras.



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T.V.THAMILSELVI, J.

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