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Crl.O.P.No.12925 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2025

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No.12925 of 2025 and

Crl.M.P.No.8535 of 2025

1. S.Raja

2. P.Iyappan

... Petitioners

Vs.

1. The State rep. by its

The Inspector of Police (Crime)

F-5, Choolaimedu Police Station

Chennai - 600 094

(Crime No.156 of 2023)

2. S.Jayakumar

... Respondents

Prayer: Criminal Original Petition filed under Section 528 of B.N.S.S., to call for the records in Crime No.156 of 2023 on the file of the Inspector of Police (Crime), F-5, Choolaimedu Police Station, Chennai - 600 094 and quash the same.



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For Petitioners : Mr.E.Sivanandan
For First Respondent : Dr.C.E.Pratap
Government Advocate (Crl. Side)
For Second Respondent : No Appearance

ORDER

This Criminal Original Petition has been filed by the petitioners to quash the FIR in Crime No.156 of 2023 on the file of the Inspector of Police (Crime), F-5, Choolaimedu Police Station, Chennai - 600 094.

2. Though the notice was served to the second respondent and his name is also printed in the cause list, there is no representation for the second respondent.

3. The learned counsel for the petitioners submitted that the defacto complainant/second respondent lodged a complaint before the respondent police as if, he had given his Car Swift Dezire to his friend one M.Nagappan and thereafter, when the defacto complainant requested the said Nagappan to return his car, the said Nagappan did not come forward to return his car and

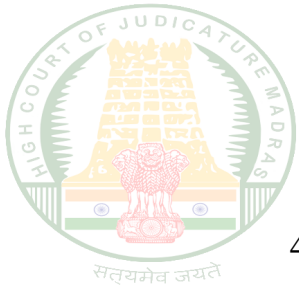


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instead, he demanded Rs.40,000/- and subsequently, he came to know that the

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said Nagappan had pledged his car to the first petitioner for a sum of Rs.1,80,000/-, whereas, the fact is that the defacto complainant is known to the said Nagappan for the past 10 years and out of friendship, there was some money transaction between them. The defaco complainant had given the custody of his Car to the said Nagappan and as admitted by the defacto complainant, the Car had been purchased by the defacto complainant by availing loan from Axis bank and that the car was hypothecated to Axis Bank. Since the defacto complainant become default in paying the monthly EMI, the car was seized by the Bank authorities. Therefore, the fist petitioner known to the said Nagappan and happen to be second hand car sales dealer, approached the concern Bank authorities and paid an amount of Rs.2,50,000/- to purchase the said car. Subsequently, the second respondent lodged a complaint before the respondent police. The learned counsel further submitted that now the petitioners have returned the said Car to the defcto complainant.



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4. The learned Government Advocate (CrI. Side) submitted that though the second respondent gave a complaint as if, his friend pledged his Car to the petitioners without his knowledge, there is no document to prove the same.

5. Heard and perused the materials available on record.

6. It is seen that there is no material to show that the said Nagappan pledged the Car of the defacto complainant/second respondent to the first petitioner. Further, the petitioners have returned the subject Car to the defacto complainant.

7. In view of the above, the FIR in Crime No.156 of 2023 on the file of the first respondent police is quashed.

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

23.06.2025

Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

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To

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1. The Inspector of Police (Crime)
F-5, Choolaimedu Police Station
Chennai - 600 094

2. The Public Prosecutor
High Court of Madras



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P.VELMURUGAN,J.

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