



Crl.O.P.No.16650 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.16650 of 2025

Akbar Sheriff

.. Petitioner/Accused

Vs.

State Rep. by
The Inspector of Police,
D-1 Triplicane Police Station,
Chennai.
(Crime No.155 of 2025)

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in the event of his arrest pending investigation in Crime No.155 of 2025 on the file of the respondent.

For Petitioner : Mr.T.Kalaivanan

For Intervenor : Mr.A.Thirumaran

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)



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ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 316(2), 318(2) of BNS in Crime No.155 of 2025, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner, a promoter, constructs houses for lease and runs a company in the name and style of M/s.Amik Infra Projects Private Limited. He showed a house under construction at Bangaru Naicken Street, Mount Road, and the lease amount is a sum of Rs.10 lakhs. On believing the petitioner's submission, the de facto complainant had paid Rs.8 lakhs, and the petitioner had received the same. The balance sum of Rs.2 lakhs was to be paid at the time of inception of lease. When the de facto complainant went to the site to know the stage of the construction work, to his shock and surprise, one person named Prabakaran told him that he is the owner of the said flat and the petitioner is only a broker and has no connection with the said flat. Thereafter only the de facto complainant came to know that he had been cheated by the petitioner.



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3. Learned counsel for the petitioner submitted that the de facto complainant met the accused and demanded his money, for which the petitioner issued a cheque for a sum of Rs.4 lakhs drawn on HDFC Anna Salai Branch, cheque No.000072 dated 10.10.2024. After a lapse of two months, on the instruction of the petitioner, the de facto complainant deposited the cheque into his bank, HDFC, Triplicane Branch, but it was returned unpaid with the endorsement 'Payment stopped by Drawer'. Hence, the complaint.

4. Learned Government Advocate (Crl. Side) submitted that on the complaint of the de facto complainant, an FIR was registered in Crime No.155 of 2025. During the enquiry, it is found that the petitioner had cheated the de facto complainant by showing the property as though he was a broker and agreed to lease out the property and received money. Later, it was found that the petitioner was not owner of the said property and had cheated the de facto complainant. Furthermore, he also issued a cheque and also gave instructions to the bank not to close the cheque. Now, it has been resolved between the petitioner and the de facto complainant. The petitioner



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had paid the amount of Rs.8 lakhs to the de facto complainant by way of Demand Draft. Now, the de facto complainant is ready and willing to withdraw the complaint against the petitioner, and he also filed an affidavit in support of his contention.

5. The affidavit filed by the de facto complainant dated 06.08.2025 is taken on record by this Court, wherein the de facto complainant admitted that he received the entire amount of Rs.8 lakhs from the petitioner.

6. Learned Government Advocate further submitted that the respondent police has also confirmed the amount of Rs.8 lakhs received by the de facto complainant. Hence, nothing survives in this matter for further adjudication, and proper steps will be taken to close the FIR registered in Crime No.155 of 2025 against the petitioner within a period of two weeks.

7. Recording the same, this criminal original petition stands closed.

06.08.2025

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To

- 1.The II Metropolitan Magistrate,
Egmore, Chennai – 8.
- 2.The Inspector of Police,
D-1 Triplicane Police Station,
Chennai.
- 3.The Public Prosecutor,
Madras High Court, Chennai.



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M.NIRMAL KUMAR, J.

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