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CRL OP No. 23732 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-08-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

CRL OP No. 23732 of 2025

1. D.Sangeetha

W/o.Late.A.S.Suresh, 1/2F, Jayagriha
Apartments, Desika Road, Mylapore,
Chennai-600 004.

Petitioner(s)

Vs

The State rep.by Inspector of Police
Central Crime Branch, Vepery,
Chennai-600 007.

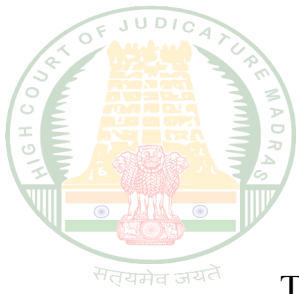
Respondent(s)

PRAYER

Criminal Original Petition filed u/s.482 of Cr.P.C., seeking to set aside the said order dated 22.07.2025 passed in Crl.M.P.No.5495 of 2025 in C.C.No.1359 of 2008 by the learned Metropolitan Magistrate, Additional Court of CCB Cases, Egmore, Chennai and allow the petition filed under section 91 Cr.P.C. r/w 94 BNSS.

For Petitioner(s): Mr.J.Suresh

For Respondent(s) : Mr. R. Vinothraja,
GA (crl.side)



ORDER

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This petition is filed challenging the order of dismissal passed by the Metropolitan Magistrate, Additional Court of CCB Cases, Egmore, Chennai in CrI.M.P.No.5495 of 2025 filed by the petitioner to summon the final report filed in Cr.No.349 of 2013.

2. Heard both sides and perused the materials available on record.

3. The petitioner is facing trial in C.C.No.1359 of 2008 for the offences u/s.420, 471, 468 IPC. The allegation against the petitioner is that the bank had sanctioned Rs.15 lakhs on executing an equitable mortgage of residential flats belonging to her and for the said mortgage, her husband stood as a guarantor. It is seen that the petitioner herein filed a petition u/s.91 of Cr.P.C., in CrI.M.P.No.5495 of 2025 before the court below stating that her husband has committed suicide by consuming poison and prior to his death, he left behind a suicide note stating that the petitioner had no knowledge of her role in loans obtained by the petitioner's husband or financial transactions. Pursuant to which, a case in Cr.No.349 of 2013 was registered and final report was also



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submitted by the E1-Mylapore Police Station. Hence, the final report is a crucial document which directly supports the innocence of the petitioner,

therefore, it is necessary to summon the final report filed in Cr.No.349 of 2013.

The court below, dismissed the application on the ground that the suicide note left by the deceased husband of the petitioner would no way helpful to the case and the alleged loan was obtained on the strength of the equitable mortgage of properties standing in the name of the petitioner and the sale deeds given to the bank for the security purpose are alleged to be fabricated and forged one.

4. Heard both sides and perused the materials available on record.

5. The petitioner is facing trial in Court for the offences alleged under sections 420, 471, 468 r/w.34 of IPC. The charge against the petitioner is that she availed loan from the bank by submitting fabricated documents and for the said transaction, her husband stood as a guarantor. The loan was obtained in the name of the petitioner. When such being the case, whether the documents submitted by her for executing equitable mortgage is fabricated or not, has to be established only on the basis of the documents executed by the parties.



Even assuming that her husband left the suicide note stating that his wife/petitioner is no way connected with the offence, this court is unable to understand how such document would be relevant to prove the innocence of the petitioner.

6. In such a view of the matter, the court below has rightly come to the conclusion that the suicide note left by her husband would no way helpful to the case of the petitioner. Hence, I do not find any merits in the petition, therefore this criminal original petition is dismissed.

28-08-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The State rep. by Inspector of Police
Central Crime Branch, Vepery,
Chennai-600 007.



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N.SATHISH KUMAR J.

msr

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