



Crl.O.P.No.10974 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 21.07.2026

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.O.P.No.10974 of 2026
and Crl.M.P.No.7767 of 2026

Lakshmi Narayanan

.. Petitioner

Versus

1. The State,
Rep. by the Inspector of Police,
Central Crime Branch (CCB),
Tambaram City,
Chennai.

2. Revathi

3. Saradha Krishnamoorthy

.. Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records in connection with the F.I.R No.48 of 2026 on the file of the Central Crime Branch, Tambaram City and quash the same as far as the petitioner/accused No.2 is concerned.

For Petitioner : Mr.J.Chandran Sundar Sashikumar

For Respondents : Mr.R.Rajasekaran,
Counsel for Government of Tamil Nadu
(Criminal Side), for R1

: Mr.A.G.D.Balakumar, for RR-2 and 3



Crl.O.P.No.10974 of 2026

ORDER

WEB COPY

The prayer in this Criminal Original Petition is to quash the F.I.R in Crime No.48 of 2026 on the file of the respondent Police.

2. Upon hearing the learned Counsel for the petitioner, it can be seen that the de facto complainants have given a complaint to the effect that M/s.KST Promoters, a builder, advertised for sale of flats. Upon considering the advertisement and the project, as projected, the de facto complainants gave advance sum to the tune of Rs.1,54,00,000/- towards purchase of flats in F1 and F2. However, after initially executing a sale agreement for conveying the UDS share, neither the sale deed for the UDS was executed nor the flats were handed over. When the de facto complainants visited the flats, it was represented that it had been sold to some third parties. Therefore, the complaint was given.

3. Learned Counsel for the petitioner would submit that the petitioner is neither the promoter nor the land owner. He is only the Power of Attorney agent nominated by the land owner and he only executed the sale agreement. It is the common knowledge that in respect of construction of new plots, the money will be given only to the builder and



Crl.O.P.No.10974 of 2026

it will not even be appropriated or be given to the Power of Attorney holder of the land owner. Therefore, when the petitioner has got no role to play, he has been unnecessarily arrayed as an accused.

4. Secondly, the entire transaction, as proposed by the de facto complainants, is civil in nature, when the advance amount was taken and subsequently, the agreements are not honoured, it is for the de facto complainants to file a suit for specific performance. Therefore, when criminal colour is given to a civil case, the F.I.R is liable to be quashed.

5. Per *contra*, the learned Counsel for Government of Tamil Nadu (Criminal Side) for the first respondent as well as the learned Counsel for the respondent Nos.2 and 3 would submit after receiving the huge sum as advance and entering into sale agreement, the petitioner/second accused, being the Power of Attorney agent, subsequently, registered the UDS in respect of the said flats in favour of his own son and wife. Therefore, all the accused, taking advantage of the position that the de facto complainants are Non-Resident Indians, have attempted to cheat them.

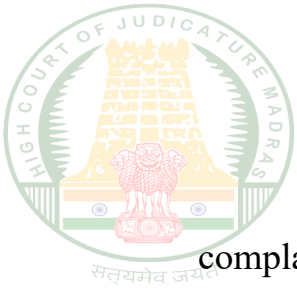


Crl.O.P.No.10974 of 2026

6. I have considered the rival submissions made on either side and perused the material records of the case.

7. The first contention is that the petitioner has no role to play. But, as the Power of Attorney agent, when he executed the sale agreement, by which, the de facto complainants are lured to pay the money, it cannot be said that he has got no role to play. Secondly, he has executed the sale agreement in favour of his own son and wife, inspite of the knowledge that he himself executed the sale agreement in favour of the de facto complainants. Therefore, it cannot be said that the petitioner had no role to play.

8. The second contention is relating to the fact that the transaction is civil in nature. It is now settled law that if the transaction is only civil in nature, then, no prosecution would lie. But, at the same time, a civil transaction also gives rise to a criminal liability, then prosecution is not bad. In this case, the specific allegation is that two flats were shown and the de facto complainants were lured into parting away their money on promise that they will be conveyed UDS share and will be allotted particular apartments. After getting the huge money from the de facto



Crl.O.P.No.10974 of 2026

complainants, the said flats as well as the UDS are settled in favour of the son and wife of the petitioner/second accused and the de facto complainants are cheated. Therefore, it cannot be said that this matter is civil in nature alone.

9. In view thereof, finding no merits, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is closed.

21.07.2026

Neutral Citation : no
grs

To

1. The Inspector of Police,
Central Crime Branch (CCB),
Tambaram City,
Chennai.
2. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.10974 of 2026

D.BHARATHA CHAKRAVARTHY, J.

grs

Crl.O.P.No.10974 of 2026
and Crl.M.P.No.7767 of 2026

21.07.2026