

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.10.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP. No.25728 of 2015
and M.P.No.1 of 2015

C.M.Raju .. Petitioner/Accused NO.2

Vs

1.The State rep by its
Inspector of Police
Central Crime Branch II
Egmore, Chennai 600 008 ... Respondents/Complainant

2.A.Jeyanthi Babu ... Respondent/Defacto Complainant

Prayer:- Criminal Original Petition filed under Section 482
Cr.P.C. to call for the entire records connected with the FIR in
Cr.No.148 of 2013 on the file of Inspector of Police, Central Crime
Branch II, Egmore, Chennai 600 008 and quash the same.

For Petitioner : Mr.P.S.Amal Raj

For R1 : Mr.C.Emalias,
Addl.Public Prosecutor

ORDER

This petition has been filed to call for the entire records
connected with the FIR in Cr.No.148 of 2013 on the file of Inspector
of Police, Central Crime Branch II, Egmore, Chennai 600 008 and quash
the same.

2. Heard the learned counsel for the petitioner and the
learned Additional Public Prosecutor appearing for the State.

3. It is the case of the prosecution that the land in question
belongs to one Ramakrishnan who had died on 06.05.1985 leaving behind
his son Jeyakumar as his heir. While so, one Vijayalakshmi, who is
the wife of C.M.Raju [petitioner/accused herein] purchased the
property on 27.12.1993 from one Ramakrishnan. Vijayalakshmi also died
on 27.01.2009. Now the original owner Jeyakumar has given Power of
Attorney to A.Jeyanthi Babu [defacto complainant], who has lodged a
complaint, based on which a case in Cr.No.148 of 2013 has been
registered by the first respondent police on 19.12.2013 for offences
under Sections 419, 420, 465, 468 and 471 r/w 34 IPC, challenging
which C.M.Raju is before this Court on the ground that, the parties
have arrived at an amicable settlement.

4. Today, the Inspector of Police is present and he has identified Jeyanthi Babu, the defacto complainant, who is also present before this Court. Jeyanthi Babu has filed an affidavit, wherein in paragraphs 3,4,5 and 6 he has stated as follows:

"3. I humbly submit that I am the defacto complainant and I have been appointed as power agent by one Jayakumar for the property of about 40 cents situate4d in Perungalathur bearing survey No.371/1. The said property was originally owned by said Jayakumar's father Mr.Ramakrishnan. After demise of said Ramakrishnan, his wife Pangajam owned the said property. The said Pangajam died in the year of 2000 and after demise of Pangajam, Jayakumar owns the said property. Hence Jayakumar appointed me as power agent for the said property. Lather I came to know that for the said property sale deed was executed in favour of Petitioner's wife Vijaylakshmi's name as if original owner Ramakrishnan sold out the property to Vijayalakshmi in the year of 1993 and after demise of the petitioner's wife Vijayalakshmi, the petitioner got patta in his name in the year of 2012.

4. I humbly submit that as I am the power agent for the said property, I have lodged a complaint against the petitioner and others and the same has been registered by the 1st respondent in Cr.No.148 of 2013. Later I cam to know that at the time of purchasing the property, the petitioner who is an ordinary man up to his knowledge verified the veracity of the documents and then entered into a sale deed with one person who introduced himself as Ramakrishnan and purchased the said property from him.

5. I humbly submit that as the petitioner is innocent purchaser and regarding the dispute of the property, already civil suits are pending I have no objection to compromise with the petitioner whose name is arrayed as accused no.2 in Cr.No.148 of 2013 and hence I compromised with the petitioner named in the FIR in Cr.No.148 of 2013.

6. I humbly submit that the petitioner has filed the above petition to quash the FIR in Cr.No.148 of 2013 on the file of the 1st respondent. Hence this Hon'ble Court may be pleased to record the contention of the affidavit as stated above and quash the FIR in Cr.No.148 of 2013 on the file of the 1st respondent and thus render justice."

In view of the above, the FIR in Cr.No.148 of 2013 is quashed against all the accused. Accordingly, this petition is allowed. Consequently, connected miscellaneous petition is closed.
Gms

Sd/-
Assistant Registrar (IV)

/True Copy/

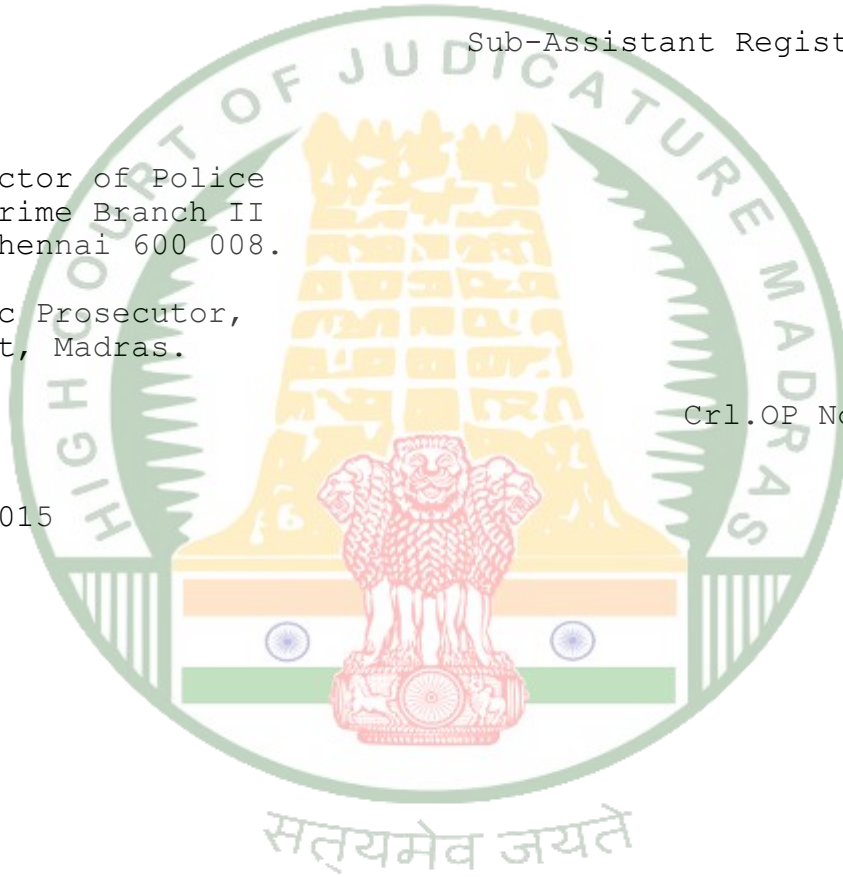
Sub-Assistant Registrar

To

1. The Inspector of Police
Central Crime Branch II
Egmore, Chennai 600 008.
2. The Public Prosecutor,
High Court, Madras.

Crl.OP No.25728 of 2015

MG(CO)
sd : 03/11/2015



WEB COPY