

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 23.04.2015
DELIVERED ON : 29.04.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.No.3721 of 2015
and M.P.Nos.1 and 2 of 2015

1.R.Damodharan
2.Shanmugakani ... Petitioners/Accused

vs.

1.State, rep by The Inspector of Police
Central Crime Branch
Suburban Police Commissionerate
St.Thomas Mount
Chennai 600 016.

2.S.R.Sriram Shekar .. Respondents/Complainant
and Defacto Complainant

Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records pertaining to the complaint in C.C.No.271 of 2012 on the file of the Judicial Magistrate, Alandur and quash the same.

For Petitioners : Mr.Lesi Saravanan
For Respondents : Mr.C.Emalias, APP for R1
Mr.T.R.Senthilkumar, for R2

O R D E R

Heard the learned counsel for the petitioners, the learned counsel for the intervenor and the Additional Public Prosecutor appearing for the State.

2. The petitioners seek to challenge the Final Report in C.C.No.271 of 2012 pending on the file of the learned Judicial Magistrate, Alandur.

3. On a complaint lodged by one Sriram Shekar, a case in Cr.No.135 of 2009 for offences under Sections 420, 447 and 506(ii) IPC was registered by the respondent police. After completing the investigation, Final Report for the said offences were filed before the learned Judicial Magistrate, Alandur, challenging which this quash petition has been filed.

4. The allegation in the charge sheet is that, the petitioners herein had represented the de facto complainant that they are the owners of 6 cents of land and entered into an agreement on 03.08.2007 agreeing to sell the same for total consideration of Rs.1.55 lakhs and also had given a Power of Attorney dated 03.08.2007 to the de facto complainant, which was registered as Document No.3612 of 2007. Later it transpired that the petitioners are not owners of six cents of land, but they have title over around 4.25 cents of land. The de facto complainant on the strength of the power of attorney, registered the sale in favour of his wife on 24.09.2008. Coming to know of it, the petitioners have cancelled the power of attorney on 03.10.2008 after having received from the de facto complainant the entire sale consideration. Thus there are sufficient materials to proceed against the petitioners.

In the result, this case is devoid of merits and the same is dismissed. Consequently, connected miscellaneous petitions are closed.

gms

s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

1.The Inspector of Police
Central Crime Branch
Suburban Police Commissionerate
St.Thomas Mount
Chennai 600 016.

2.The Judicial Magistrate
Alandur.

3.The Public Prosecutor, High Court, Madras.

+ 1 cc to M/s.Lesi Saravanan, Advocate SR 23806

sai(co)
prk11/5

Cr1.O.P.No.3721 of 2015