

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON: 16.08.2016

PRONOUNCED ON: 26.08.2016

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP No.17511 of 2016

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|----|--|-------------|
| 1. | K.P.Balan @ K.P.Balaji | |
| 2. | C.Loga @ C.Logaratchagan | Petitioners |
| | Vs | |
| 1. | State by the Inspector of Police
Central Crime Branch Team-II, ALGSC-II
Vepery, Chennai 7. | |
| 2. | Prathiba | Respondents |

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records pursuant to the complaint in C.C.B. Crime No.60 of 2015 on the file of the Inspector of Police, Central Crime Branch, Team-II, ALGSC-II, Vepery, Chennai-7 and quash the same.

For petitioners	:	Mr.R.Amizhdhu
For R1	:	Mr.C.Emalias
		Addl.Public Prosecutor

ORDER

This petition has been filed to call for the records pursuant to the complaint in C.C.B. Crime No.60 of 2015 on the file of the Inspector of Police, Central Crime Branch, Team-II, ALGSC-II, Vepery, Chennai-7 and quash the same.

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

3. It is seen that the property in question originally belonged to one Gurudatta Rao, who died intestate, as early as 20.04.1993 leaving behind the *de facto* complainant and other legal heirs. The *de facto* complainant and other legal heirs were living in different parts of Karnataka and they were under the belief that the property is secure in the name of their father, until they came to know that Doc.No.7989 of 2004 has been registered on 18.11.2004 on the file of the SRO, Tambaram, as if Gurudatta Rao has sold the property to G.K.Dhanasekar [A1]. On coming to know of this, the *de facto* complainant lodged the present complaint, based on which a case in Cr.No.60 of 2015 was registered on 22.04.2015 for offences u/s 419, 465, 408 r/w 471 and 420 IPC against G.K.Dhanasekar [A1], K.P.Balan [A2], C.Loga [A3], G.Vazhavandan [A4] and the unknown impersonator Thanikachalam [A5].

4. At that juncture, G.K.Dhanasekar [A1] came forward to return the property to the *de facto* complainant stating that, he was an innocent purchaser and that he did not know that the person who executed the document was not Gurudatta Rao. On the strength of this, the prosecution against G.K.Dhanasekar (A1) in CrI.O.P.No.6095 of 2016 was quashed by this Court on 28.03.2016. Now, the petitioners who are said to be the witnesses in the said document, have come forward to quash the FIR.

5. Learned Additional Public Prosecutor submitted that during the course of investigation, the police have arrested one Thanikachalam, who has

impersonated as Gurudatta Rao and has executed the document No.7989 of 2004 on 18.11.2004 and that these petitioners have signed as witnesses.

6. Mr.R.Amizhdhu, learned counsel for the petitioners submitted that since this Court has quashed the prosecution as against G.K.Dhanasekar (A1) in Crl.O.P.No.6095 of 2016, the same should follow suit, *vis-a-vis*, these petitioners.

7. It was further brought to the notice of this Court that Thanikachalam, the actual impersonator, who was arrested by the police subsequently died on 23.11.2015 and a copy of the death certificate was also produced by the police.

8. In view of the above, the prosecution of these petitioners who are only witnesses to the execution of the sale deed may not be necessary especially in the light of the fact that G.K. Dhanasekar(A1) had cancelled the sale deed and returned the property to the *de facto* complainant on the strength of which, the prosecution against G.K. Dhanasekar (A1) has been quashed by this Court in Crl.O.P. No.6095 of 2016 on 28.03.2016.

In the result, this Criminal Original Petition is allowed and the FIR in Crime No.60 of 2015 is hereby quashed against all the accused.

26.08.2016

gms/cad

P.N.PRAKASH, J.

gms/cad

To

1. The Inspector of Police
Central Crime Branch Team-II, ALGSC-II
Vepery, Chennai 7
2. The Public Prosecutor
High Court, Madras

Crl.OP No.17511 of 2016

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