

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.OP.Nos.21581 to 21583 of 2016

S.Sambasivam ... Petitioner in Crl.O.P.No.21581/16
B.Ganapathy ... Petitioner in
Crl.O.P.No.21582/16
S.Mohandass Gandhi ... Petitioner in
Crl.O.P.No.21583/16

Vs.

- 1.The State of Tamil Nadu,
rep. by the Inspector of Police,
District Crime Branch,
Kancheepuram District. ... Respondent/Complainant in
all Crl.OP's
2. Sanjay Harichand ... Respondent/Defacto
Complainant in all Crl.OP's

Prayer: Criminal Original Petitions have been filed under
Section 482 of Cr.P.C., praying to call for the records
pending in Crime No.24 of 2016 on the file of the District
Crime Branch and quash the same.

For Petitioners
in all the Crl.O.Ps. : Mr.D.Ravindranathan

For Respondent-1
in all the Crl.O.Ps. : Mr.C.Emalias,
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed seeking a
direction to call for the records pending in Crime No.24 of
2016 on the file of the District Crime Branch and quash the
same.

2. For the sake of convenience, the parties will be
referred to by their name.

3. On the complaint of Sanjay Harichand that was made to
the Inspector of Police, which was referred to the District
Crime Branch, Kanchipuram, a case in Crime No.24 of 2016 has
been registered by District Crime Branch, Kanchipuram on
31.08.2016, against one Aaron Jayakar Sundara Raj/A1,
Sambasivam/A2, S.Mohandass Gandhi/A3, B.Ganapathy/A4,
challenging which, Sambasivam in Crl.O.P.No.21581/2016,

B.Ganapathy in CrI.O.P.No.21582/16, S.Mohandass Gandhi in CrI.O.P.No.21583/16, are before this Court.

4. Heard Mr.D.Ravindranathan, learned counsel for the petitioners and the learned Additional Public Prosecutor appearing for the first respondent.

5. On a reading of the FIR it is seen that the Aaron Jayakar Sundar Raj appears to be the owner of certain property for which, he is said to have given a power of attorney in favour of Sanjay Harichand way back on 02.05.2007, which has been registered as Document No.1163 of 2007, on the file of Sub Registrar's Office, Neelangarai. It is the allegation of Sanjay Harichand that Aaron Jayakar Sundarraaj, handed over the original title deeds of the property to him and had received Rs.30,00,000/-. Thereafter, Aaron Jayakar SundarRaj, has sold the same property to the petitioners herein on 23.06.2016 and hence, the complaint.

6. Mr.D.Ravindranathan, learned counsel for the petitioners submitted that the petitioners purchased the property from the lawful owner, namely, Sundarraaj and they had no reason to suspect that Aaron Jayakar Sundarraaj had given a Power of Attorney to Sanjay Harichand as alleged in the FIR. Under such circumstances, the Power of Attorney will not get reflected in the Encumbrance Certificate, as that will be registered in a different book.

7. There is much force in the contention of Mr.D.Ravidranathan, learned counsel for the petitioners in this regard.

8. Admittedly, even according to Sanjay Harichand, he had got the Power of Attorney, as early as 2007 and till 2016, he had not chosen to take the sale deed executed with regard to the said property. However, it is his contention that he has the original title deeds with him and therefore, an enquiry has to be made as to how, the Aaron Jayakar Sundarraaj sold the property to the petitioners herein. It is also stated that the petitioners have been released on anticipatory bail and there is no imminent threat of arrest, by the police.

9. Under such circumstances, this Court directs the Inspector of Police, District Crime Branch, Kanchipuram, to conduct a thorough enquiry into this aspect in Crime No.24 of 2016 and if it is found that the petitioners are innocent purchasers, it is needless to state that their names are to be dropped from the prosecution.

10. The police is directed to complete the investigation within a period of six months, from the date of receipt of a copy of this order and either file a closure report or final report as the case may be.

11. With the above direction, these Criminal Original Petitions are closed.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

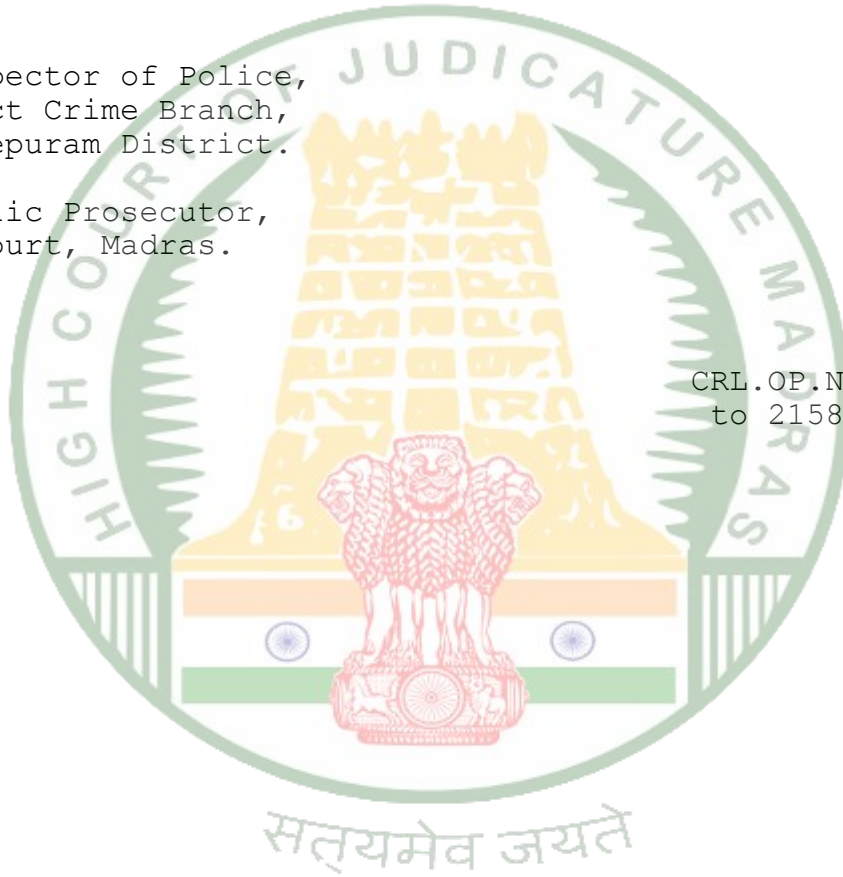
To

1.The Inspector of Police,
District Crime Branch,
Kancheepuram District.

2.The Public Prosecutor,
High Court, Madras.

Rsk(co)
krd 24/10

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to 21583 of 2016



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