

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.10.2016

CORAM

THE HON'BLE MR.JUSTICE P.N.PRAKASH

CrI.O.P. No.22488 of 2016 and

CrI.M.P.No.10460 of 2016

1.K.V.Muralidharan
2.G.Karuppasamy
3.V.Udhayashankar

Petitioners/1st, 2nd, 4th Accused

vs.

1.The Superintendent of Police
Kancheepuram District
Kancheepuram.

2.The Deputy Superintendent of Police
District Crime Branch
Kancheepuram District
Kancheepuram.

Respondents/Respondents

3 The Sub Inspector of Police,
District Crime Branch,
Kancheepuram District,
Kancheepuram.

Respondent/Complainant

4 Ravichandran

Respondent/Defacto Complainant

Criminal Original Petition filed under Section 482, Cr.P.C.
to call for the records relating to the case registered in
Cr.No.18 of 2016 on the file of the 3rd respondent and quash the
same.

For petitioner Mr.S.Ruban Prabu

For respondents Mr.C.Emalias,
R1 to R3 Additional Public Prosecutor

ORDER

This petition has been filed to call for the records
relating to the case registered in Cr.No.18 of 2016 on the file
of the 3rd respondent and quash the same.

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

3. The factual matrix of the case is as under:

The property in question originally belonged to one Rani. Rani had executed power of attorney on 31.03.2000 in favour of Ravichandran and Muralidaran to deal with the said property. While so, Rani cancelled the power of attorney on 30.09.2006 that was given in favour of Ravichandran and Muralidaran and thereafter, excluded Muralidaran and gave power of attorney on the same day in favour of Ravichandran. On the strength of the power of attorney, Ravichandran transferred Rani's property in favour of his wife Jayanthi on 30.03.2007. When Muralidaran came to know of it, he lodged a complaint, based on which a case in Cr.No.32 of 2012 has been registered by the District Crime Branch against Ravichandran, Jayanthi and Rani and investigation is pending.

4. According to Muralidaran, it was he who had paid the sale consideration to Rani and that Rani after receiving the money, had cheated him by cancelling the power of attorney behind his back and executed another power of attorney in favour of Ravichandran, thereby depriving him of his lawful shares. In this regard, Muralidaran has also filed O.S.No.329 of 2012 before the District Munsif Court, Chengalpet to declare the cancellation of power of attorney by Rani and the sale by Ravichandran in favour of his wife Jayanthi as null and void. No progress appears to have been made in the investigation in Cr.No.32 of 2012.

5. While so, Ravichandran filed a petition u/s 156(3) Cr.P.C. before the Judicial Magistrate-2, Chengalpet, based on which the respondent police have registered a case in Cr.No.18 of 2016 on 01.06.2016 u/s 420 and 506(i) IPC against Muralidharan, Karuppusamy, Mohana Ranga Raja and Udhai, challenging which Muralidharan is before this Court.

6. Now the allegations of Ravichandran in Cr.No.18 of 2016 is that, he is in possession and enjoyment of the property and that Muralidharan and his men are frequently threatening his possession.

7. Learned counsel for the petitioners submitted that Mohana Ranga Raja had died four years back and Ravichandran has made a false averment as if Mohana Ranga Raja was also attempting to dispossess him from the property.

8. In the considered opinion of this Court, all the parties are real estate sharks and there is an *inter se* warfare

between them in respect of the property in question.

9. Hence, this Court is of the view that this is not a fit case to quash the FIR in Cr.No.18 of 2016. However, this Court directs the Deputy Superintendent of Police, District Crime Branch, Kancheepuram to expeditiously complete the investigation in Cr.Nos.32 of 2012 and 18 of 2016 within six months from the date of receipt of a copy of this order.

With the above direction, this petition is closed. Consequently, connected miscellaneous petition is closed.

Sd/-
ASST. REGISTRAR

/TRUE COPY/

SUB ASST. REGISTRAR

To

1.The Superintendent of Police
Kancheepuram District
Kancheepuram.

2.The Deputy Superintendent of Police
District Crime Branch
Kancheepuram District
Kancheepuram.

3.The Public Prosecutor,
High Court, Madras.

4.The Sub Inspector of Police,
District Crime Branch,
Kancheepuram District,
Kancheepuram.

+2 cc Mr.S.Ruban Prabu, Advocate SR.NO. 56968/16

CA(CO)
MMP 12.11.2016

Cr1.O.P. No.22488 of 2016