

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.04.2017

CORAM:

THE HON'BLE MR.JUSTICE C.T. SELVAM

Crl.O.P.No.19684 of 2012

and

MP.No.1 of 2012

1. P.Revathi
 2. P.Rajesh Kumar
 3. Sasi Kumar Senathipathi
- ...Petitioners/Accused

Vs.

1. State by
The Inspector of Police
Puzhal Police Station
Puzhal, Chennai. 1st Respondent/Complainant
2. M.Aravind ..2nd Respondents/Defacto
Complainant

Criminal Original Petition filed under Section 482 of the Criminal Procedure Code praying to call for the records and quash the First Information Report registered by the first respondent in Crime No.1277 of 2012.

For Petitioners : Mr. Sankarasubbu for
Mr.E.Edwig

For R1 : Mr.Mohamed Riyaz,
Government Advocate (Crl.Side)

R2 : No appearance

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O R D E R

Petitioner seeks quash of proceedings in Crime No.1277 of 2012 on the file of the 1st respondent.

2. Heard learned counsel for petitioners, and learned Government Advocate for 1st respondent.

3. This petitioner's case originally registered by the 1st respondent- Inspector of Police, Puzhal Police Station,

subsequently was transferred to the Central Crime Branch, Chennai.

4. The case of the de-facto complainant is that the father of the 3rd petitioner, owner of property, executed a Power of Attorney in favour of the de-facto complainant's father, after receiving the entire sale consideration. Though, in exercise of the Power of Attorney, the de-facto complainant's father has executed a sale deed, the 3rd petitioner subsequent to death of his father, the principal as also that of the de-facto complainant's father, has executed a power of attorney in favour of first petitioner who in turn executed a sale deed in favour of second petitioner.

5. Learned Government Advocate (Crl. Side) would submit that the very sale effected by the de-facto complainant's father was subsequent to the death of the petitioner's father.

6. In the above said circumstance, this Court observes that not all that is immoral is illegal. This petition shall stand allowed and the proceedings in Crime No.1277 of 2012 shall stand quashed. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

mk

To

1. The Inspector of Police
Puzhal Police Station
Puzhal, Chennai.

2. The Public Prosecutor,
High Court, Madras-104

+1cc to M/s.M. Ravibharathy, Advocate Sr. 19881

+1cc to M/S.P.Kumaresan, Advocate Sr. 19911

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RJ(CO)
VR(26/4/2017)