

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 07.09.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.21507 of 2018
and CRL.M.P.No.11740 of 2018

1.Mohamed Anifa
2.B.Sathyaseelan
3.Kandababu

.. Petitioners

Vs

1.State rep. by
The Inspector of Police,
Central Crime Branch,
Chennai Team II,
E.V.K.Sampath Salai,
Veppery, Chennai - 600 007.
Crime No.128/2018.

2.Sushila Sethuraman

.. Respondents

Criminal Original Petition filed under Section 482
Cr.P.C., praying to call for the records and quash the FIR in
Crime No.128/2018 pending investigation on the file of the
respondent Police.

सत्यमेव जयते

For Petitioners : Mr.C.D.Johnson

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For 1st Respondent : Ms.M.Prabhavathi, APP

O R D E R

On the complaint lodged by Sushila (2nd respondent), the
1st respondent have registered the case in Crime No.128 of 2018
on 01.08.2018 under Sections 417, 419, 465, 467, 468, 471 and

120B IPC against the seven accused. For quashing which, A5, A6 and A7 are before this Court.

2. Heard Mr.C.D.Johnson, learned Counsel for the petitioner and the Additional Public Prosecutor appearing for the 1st respondent.

3. It is the case of the de facto complainant that he is the owner of the property, Plot No.186, 187 and 204 situated in Indira Priyadarshini Nagar in Perumbakkam Village, measuring around 8400 sq.ft. She came to know that a Power of Attorney has been registered in her name vide document No.12619 of 2017 in the office of the SRO, Avadi. After collecting the details of the Power of Attorney, she has lodged the present complaint to the Inspector General of Registration, who has forwarded the same to the 1st respondent, based on which, the FIR has been registered.

4. On a reading of the complaint, she has alleged that she had not executed the Power of Attorney document dated 18.12.2017 in favour of Justine John (A1). In fact, she has stated that she does not know him at all. Based on the names figuring in the bogus Power of Attorney, she has assigned the role to each of the accused. As regards accused Nos.5, 6 and 7, she has stated that the 5th accused name figures, having drafted the document and that, he has not even given his enrolment number; along with the name of the 5th Accused, the names of 6th and 7th accused also figures.

5. Mr.C.D.Johnson contended that for merely drafting the Power of Attorney, all the three professionals cannot be prosecuted. They had only drafted the Power of Attorney, based on the documents submitted by their client.

6. In the opinion of this Court, it is too premature for this Court to decide, as to whether there was conspiracy amongst A1 and the petitioners herein, who drafted and registered the bogus Power of Attorney. An FIR is not an encyclopedia of the prosecution case. It is too premature for this Court to give a clean chit to A5 to A7. However, the respondent Police are directed to thoroughly investigate the case and if during investigation, it comes to light that the accused had acted only within the professional ambit and that, they had not conspired with the other accused for creating bogus document, it is needless to say that further action shall be dropped. On the contrary, if it is found that they were all in league, the professionals have to face the music before the Law Court. Any observation made by this Court shall not prejudice the investigation.

With the above direction, this petition is closed.

Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-II)

//True copy//

Sub Assistant Registrar

dua/gya

To

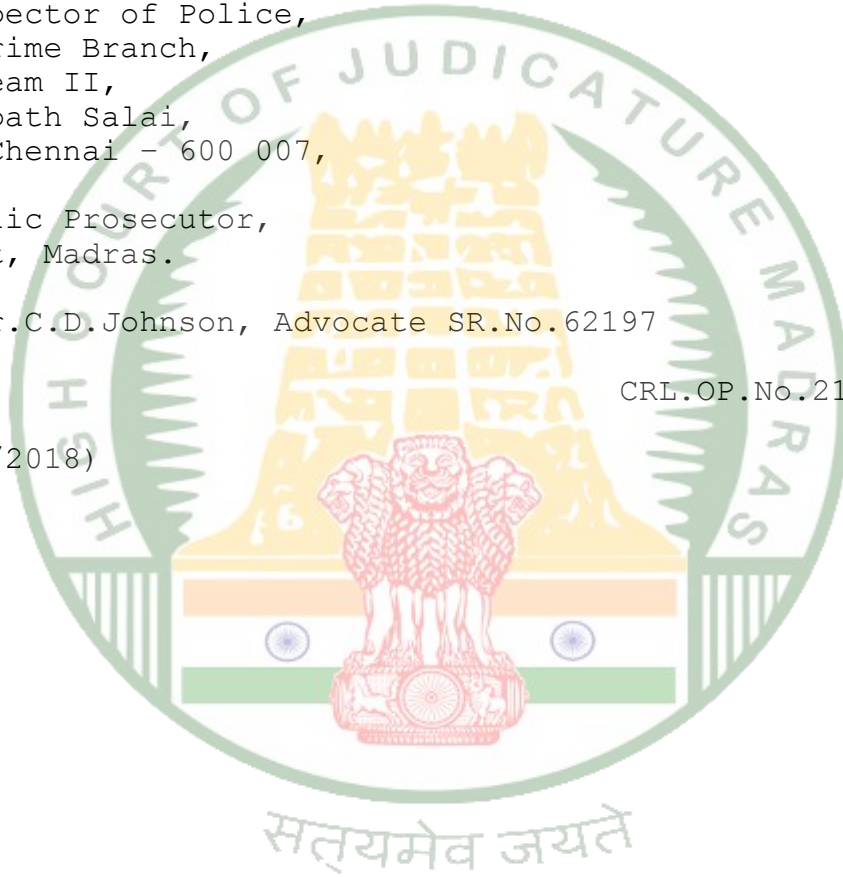
1.The Inspector of Police,
Central Crime Branch,
Chennai Team II,
E.V.K.Sampath Salai,
Veppery, Chennai - 600 007,

2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.C.D.Johnson, Advocate SR.No.62197

CRL.OP.No.21507 of 2018

GMV (19/09/2018)



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