

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.08.2019

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No. 12470 of 2019

Crl.M.P.No.6487 of 2019

DAC Promoters

Proprietor

S.Sathish Kumar,

S/o.Santhanam,

No.19, K-block, 1st Main Road,

1st Avenue, Anna Nagar East,

Chennai - 600 102.

... Petitioner/Accused No.4

Vs.

1. The State represented by
The Inspector of Police,
CCB Team II,
Anti Land Grabbing Cell,
Vepery, Chennai,
Crime No.17 of 2018

..1st Respondent/Complainant

2. P.G.Muthaiyalu

... 2nd Respondent/Defacto
Complainant

Prayer: Criminal Original Petition filed under section 482 of Criminal Procedure Code, to call for the records in Crime No.17 of 2018 on the file of the first respondent, Chennai and quash the same as against the petitioner.

For Petitioner : Mr.R.Vivekananthan

For Respondents

For R1 : Mrs.M.Prabhavathi
Additional Public Prosecutor

For R2 : Ms.R.L.Karthika

O R D E R

This petition has been filed to quash the FIR in Crime No.17 of 2018 on the file of the first respondent police registered for the offence under Sections 419, 465, 467, 468 and 120B of IPC, as against the petitioner.

2. The case of the prosecution is that the property situated at No.24, Chandran Nagar, Thiruneermalai Village, Pallavaram, Kancheepuram District, belongs to the daughter of the defacto complainant which was purchased vide sale deed registered as document No.737 of 1999. Further alleged that the accused persons impersonated the defacto complainant's daughter and executed general power of attorney in their favour and on the basis of the general power of attorney, they also executed sale deed in favour of A4/the petitioner herein and registered as document No.5532 of 2017. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner is a bonafide purchaser of the disputed property for the valid sale consideration of Rs.1,28,79,045/- and he has not committed any offence as alleged by the prosecution. He further submitted that in this case, the petitioner has already been granted anticipatory bail by this Court in CrI.O.P.No.18665 of 2018 by an order dated 30.01.2019. He also submitted that the petitioner obtained planning permission to construct a house in the disputed property. The petitioner also filed a suit in O.S.No.143 of 2019 before the Principal District Munisif, Alandur as against the defacto complainant i.e., the real owner of the property and the Court below has also granted interim injunction in favour of the petitioner herein. Without any base, the first respondent police registered a case in Crime No.17 of 2018 for the offences under Sections 419, 465, 467 and 468, 120B of IPC, as against the petitioner. Hence, he prayed to quash the same.

4. The learned Additional Public Prosecutor appearing for the first respondent submitted that totally there are seven accused in this case and the petitioner is arrayed as A4. The first accused impersonated the defacto complainant's daughter and executed Power of Attorney in favour of A2 and A3, in turn, they sold out the disputed property to A4/petitioner herein. A5 and A6 are the witnesses to the Power of Attorney executed by A1. A7 is the master brain to the entire crime. The petitioner herein is the bonafide purchaser purchased the property for the valid sale consideration of Rs.1,28,79,045/-.

5. Considering the above facts and circumstances of the case, this Court by an order dated 22.07.2019, directed that the first respondent police to complete the investigation and file final report, by deleting the name of the petitioner.

6. Today, when the matter is taken up for hearing, the learned Additional Public Prosecutor produced the report filed by the first respondent Police and also submitted that the first respondent police completed the investigation and also filed a

final report before the learned Judicial Magistrate, Alandur for the offences punishable under Sections 419, 465, 467, 468, 471 r/w 34 of IPC as against six accused persons, in which the petitioner has been shown as one of the witnesses and the said case is now pending for taking cognizance before the learned Judicial Magistrate, Alandur.

7. Recording the submission made by the learned Additional Public Prosecutor, this petition is closed. Consequently, connected miscellaneous petition is also closed.

s/d-
Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

rts

To

1. The Inspector of Police,
CCB Team II,
Anti Land Grabbing Cell,
Vepery, Chennai.

2. The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.R.Vivekananthan, Advocate sr 72871.

+1 CC to Ms.R.L.Karthika, Advocate sr 73042

CrI.O.P.No.12470 of 2019
and CrI.M.P.No.6487 of 2019

VGI(CO)
SP(27/08/2019)