



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.10.2019

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P. (MD)No.11735 of 2015

and

M.P. (MD)No.1 of 2015

WEB COPY

M.Kameshwaran

... Petitioner/Accused No.7

Vs

1.State represented by

The Inspector of Police,

Pudhiyamputhoor Police Station,

Tuticorin District. ...1st Respondent/complainant

(Crime No.91 of 11)

2.S.Krishna Pillai

... 2nd Respondent/Defacto complainant

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C, to call for the records pertaining to the First Information Report in Crime No.91 of 2015, dated 24.06.2011, on the file of the respondent No.1 police for alleged offence under Sections 120(b), 419 and 465 of IPC and quash the same as illegal insofar the petitioner is concerned.

For Petitioner

: Mr.T.Lajapathi Roy

For Respondents

: Mr.A.Robinson

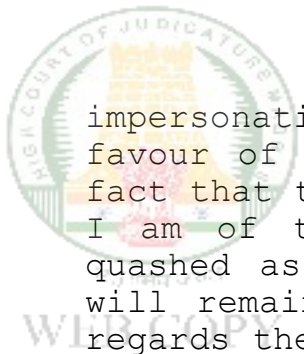
Govt. Advocate (Crl. Side) for R1

O R D E R

The petitioner is figuring as A7 in Crime No.91 of 2011, registered on the file of Pudhiyamputhoor Police Station, Tuticorin District. One Krishna Pillai is the defacto complainant. His case is that the property in question belongs to him and that A1 by committing impersonation sold the same to A2. A2 had executed a power of attorney in favour of A6. A6 in turn sold the property in favour of the company of which the petitioner is the Manager. When Chennai Amtex Private Limited came to know about the act of impersonation committed by A1, they had executed a surrender deed dated 27.03.2015 in favour the defacto complainant.

2.The petitioner therefore wants this Court to quash the impugned FIR as far as he is concerned.

3.The petitioner is only a Manager of Chennai Amtex Private Limited. The company is also a bonafide purchaser. Their bonafides is clear from the fact that when they came to know about the act of



impersonation, they have chosen to relinquish their rights in favour of the defacto complainant. Therefore, taking note of the fact that the petitioner is only a Manager of the purchaser company, I am of the view that the impugned prosecution deserves to be quashed as far as the petitioner is concerned. The impugned FIR will remain as against the other accused. It is quashed only as regards the petitioner alone. The criminal original petition allowed on these terms. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To:

The Inspector of Police,
Pudhiyamputhoor Police Station,
Tuticorin District.

Copy to

The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-92650[F] dated 17/10/2019)

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