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CrI.O.P.No.3280 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.10.2022

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.O.P.No.3280 of 2020  
and CrI.M.P.No.1926 of 2020

1. Palani
2. K.A.Selvam
3. G.Gajendran

... Petitioners

Vs.

1. The State represented by  
The Inspector of Police,  
Central Crime Branch,  
Team XVII,  
Office of The Commissioner of Police, Egmore,  
Chennai-8.  
(Crime No.126 of 2015)

2. D.Sridhar

... Respondents

**Prayer:** Criminal Original Petition filed under Section 482 Cr.P.C to call for the records pertaining to the Crime No.126 of 2015 pending on the file of the Inspector of Police, Central Crime Branch, Team XVII, Office of the Commissioner of Police, Egmore, Chennai and quash the same insofar as the petitioners herein are concerned.



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For Petitioners : Mr.K.Elangovan  
For R1 : Mr.A.Gokulakrishnan  
Additional Public Prosecutor  
For R2 : Mr.A.Ramesh, Senior Counsel  
for Mr.K.Mohanraj

### **ORDER**

This Criminal Original Petition has been filed calling for the records pertaining to the Crime No.126 of 2015 pending on the file of the Inspector of Police, Central Crime Branch, Team XVII, Office of the Commissioner of Police, Egmore, Chennai and quash the same insofar as the petitioners herein are concerned.

2. The case of the prosecution is that property bearing No.5, Brahmin Street, Saidapet, Chennai-600 015, ad-measuring 4079 sq.ft, which was purchased by the defacto complainant's grand father's brother one E.K.Pattabirama Reddiar in the year 1945 registered vide Document No.194 of 1945 dated 26.01.1945. Thereafter, on 07.05.1973, a Release Deed was executed by the said E.K.Pattabirama Reddiar in favour of his brother one E.K.Ellaiya Reddiyar, registered vide Document No.722 of 1973, who is none other than the defacto complainant's paternal grand father. In turn, he settled the property in favour of the defacto complainant's father, on 28.05.1987. Since the



certificate under Section 230-A of the Income Tax Act had not been produced, the document was kept pending for registration and assigned as Document No.70 of 1987, on the file of the Sub-Registrar Office, Saidapet. On 06.06.1987, the defacto complainant's grand father had met the maker and on 07.08.1992, the defacto complainant's father had met the maker leaving behind the defacto complainant and his mother as his only surviving legal heirs. Thereafter, by an order dated 04.07.2011 passed in W.P.No.16597 of 2010, this Court directed the Registrar to register the pending document. Accordingly, the document was registered as Document No.2065 of 2011 dated 16.09.2011. While being so, the accused persons, fabricated the documents and claimed title over the subject property. A1 executed a release deed in favour of his sister, A2. In turn, A2 executed a General Power of Attorney in favour of A3. Through the Power of Attorney, A3 executed a sale deed in favour of A4. In turn, A4 executed a General Power of Attorney in favour of A5, in which, A6 stood as witness.

3. Pending investigation, the accused A3 to A6 cancelled the sale deed and Power of Attorney and handed over the cancellation documents in favour of the defacto complainant. Therefore, the defacto complainant had no objection to quash the FIR as against A3 to A6. Hence, this Court quashed the FIR



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registered in Crime No.126 of 2015 as against A3 to A6, by an order dated 29.07.2020. On the strength of cancellation of sale deed and Power of Attorney, they also obtained anticipatory bail before this Court. After getting order from this Court, A3 to A6 filed a suit in O.S.No.2109 of 2021, on the file of the XIV Assistant City Civil Court, Chennai, for declaration declaring that the cancellation deed executed by A4 is due to coercion and to declare as null and void. Therefore, it is nothing but a abuse of process of Court and only to escape from the clutches of FIR in Crime No.126 of 2015, they cancelled the sale deed and Power of Attorney. Subsequently, on the ground of coercion, they filed a suit for declaration declaring that the cancellation of sale deed and Power of Attorney as null and void. That apart, while quashing the FIR by an order dated 29.07.2020, this Court directed the first respondent herein to complete the investigation and file a final report in Crime No.126 of 2015 as against A1 and A2, within a period of four weeks from the date of receipt of a copy of the order. Accordingly, the first respondent completed the investigation and filed a final report. Therefore, the action of the accused persons A3 to A6 is nothing but a clear abuse of process of Court and to disturb the subject property in pursuance of the conspiracy. It is also seen that A3 to A6 played fraud on this Court.



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4. Hence, this Court is not inclined to quash the proceedings in Crime No.126 of 2015 on the file of the first respondent herein. However, the first respondent is directed to file additional report as against A3 to A6, within a period of four weeks from the date of receipt of a copy of this order.

5. Accordingly, this Criminal Original Petition stands dismissed. Consequently, connected Miscellaneous petition is also closed.

14.10.2022  
(2/2)

Internet:Yes  
Index:Yes/No  
Speaking/Non speaking order  
mn

To

1. The Inspector of Police,  
Central Crime Branch,  
Team XVII,  
Office of The Commissioner of Police, Egmore,  
Chennai-8.

2.The Public Prosecutor,  
High Court, Madras.

**G.K.ILANTHIRAIYAN. J.**



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