

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.08.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.8384 of 2020
and CRL.M.P.No.4114 of 2020

1.F.Sajin Miranda (Age 42 years)
Son of L.Flavian Miranda
No.1/62, Indra Colony
Vannarpet
Tirunelveli-627 003.

2.J.Mahima (Age 38 years)
Wife of F.Sajin Miranda
No.1/62, Indra Colony
Vannarpet
Tirunelveli-627 003.

... Petitioners

Vs.

1. The State
Rep. by Inspector of Police
CCB-II, Office of the Commissioner
of Police, Vepery,
Chennai-600 007.

2. D.Nirmala
W/o.A.K.Dhayanithi
No.2, Arimuthu Achari Maistry Street
Triplicane, Chennai-600 005.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, to call for the records in FIR No.108 of 2019 dated 04.06.2019 pending on the file of the CCB-II, Chennai and quash the same.

For Petitioners: Mr.D.Ferdinand

For M/s.BFS Legal

For Respondents: Mr.S.Karthikeyan for R1

Additional Public Prosecutor

Mr.R.Balasubramanian for R2

O R D E R

This Criminal Original Petition has been filed to quash the FIR No.108 of 2019 dated 04.06.2019 pending on the file of the CCB-II, Chennai, for the offences under Section

2. On a perusal of records, it shows that the petitioners were arraigned as A4 and A5 and they purchased the undivided share of property owned by the 2nd respondent on the strength of the power of attorney, from A1 to A3 and also they entered into an agreement for construction. Subsequently, the 2nd respondent lodged a complaint alleging that by forging the signature of the 2nd respondent, A1 to A3 have fabricated the power of attorney and on the strength of the power of attorney, they sold out the undivided share in favour of the petitioners herein.

3. Considering the above, the petitioners are directed to produce the document registered in their favour by A1 to A3 and on receipt of the same, the 1st respondent is directed to conduct a detailed enquiry. If the 1st respondent found that if the petitioners are the bonafide purchasers by a registered sale deed after the payment of valuable sale consideration to A1 to A3, the 1st respondent shall drop the name of the petitioners from the FIR and file a final report as against the other accused persons within a period of twelve weeks from the date of receipt of a copy of this order.

4. The learned counsel for the petitioner would submit that the petitioners are residing at Tirunelveli, they could not able to appear before the 1st respondent for interrogation.

5. Considering the above, any one of the representative of the petitioners can appear before the 1st respondent and produce all the required documents before the 1st respondent.

6. With the above direction, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The Inspector of Police
CCB-II, Office of the Commissioner
of Police, Vepery, Chennai-600 007
2. The Public Prosecutor
High Court of Madras.

CRL.O.P.No.8384 of 2020
and CRL.M.P.No.4114 of 2020

RSV (CO)
VS 27.08.2020