

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2020

CORAM:

THE HON'BLE MR.JUSTICE P.VELMURUGAN

Crl.O.P.No.16820 of 2014
and M.P.No.1 of 2014

1.Karunakara Reddy
2.Srinivasan

..Petitioners

Vs

1.State rep. by its
The Inspector of Police
D-6, Maraimalai Nagar
Kancheepuram District

..1st respondent/
Complainant

2.D.Meera

..2nd Respondent/
Defacto Complainant

Prayer: Crl.O.P., filed under Section 482 of Cr.P.C., praying to call for the records pertaining to the records in FIR in Crime No.661 of 2013 on the file of the first respondent and quash the same.

For Petitioners : Mr.R.Sasikumar
For Respondents : Mr.R.Surya Prakash
Government Advocate (Criminal Side)
for R1
R2- Service not completed

ORDER

The 1st respondent had registered a case against the petitioners based on the complaint given by the 2nd respondent before the 1st respondent in Crime No.661 of 2013 for the offence under Sections 463, 465, 468, 471 and 420 IPC. During the investigation, A-1 and A-2 filed the present petition to quash the FIR in Crime No.661 of 2013.

2. The learned counsel for the petitioners would submit that originally, the owner of the properties gave a power of attorney to the husband of the complainant/2nd respondent herein.

Subsequently, they cancelled it. The husband of the complainant died in the year 2007. After that, they filed Power of Attorney in favour of the 2nd petitioner/ A-2. Therefore, the nature of civil dispute is only after the death of the husband of the defacto complainant/2nd respondent herein and duly cancelled the Power of Attorney given in favour of the husband of defacto complainant and executed the Power of Attorney in favour of the 2nd petitioner. Even though, the petitioners cancelled the Power of Attorney in the year 2007, the case has been foisted against the petitioners and therefore, FIR has to be quashed.

3. The learned counsel for the 2nd respondent would submit that the petitioners have forged the document and further they have received money from the husband of the defacto complainant/2nd respondent and subsequently without repaying the money, they have created the Power of Attorney. Therefore, after the demise of the husband of the defacto complainant, the 2nd respondent/defacto complainant has filed a complaint before the 1st respondent Police.

4. The learned Government Advocate (Criminal Side) appearing for the 1st respondent would submit that investigation is in initial stage and in view of the stay granted by this court, the first respondent could not proceed with the investigation.

5. Heard the learned counsel on either side and perused the records carefully.

6. Prima facie there is allegation against the petitioners. Whether the Power of Attorney executed is a genuine or forged can be decided only after investigation and not at this stage. Therefore, in the facts and circumstances of the case, I am not inclined to quash the FIR. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is closed. The first respondent is directed to investigate the matter and lay a charge sheet before the jurisdiction Magistrate within three months from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar (C.S.III)

/True Copy/

Sub Assistant Registrar

To

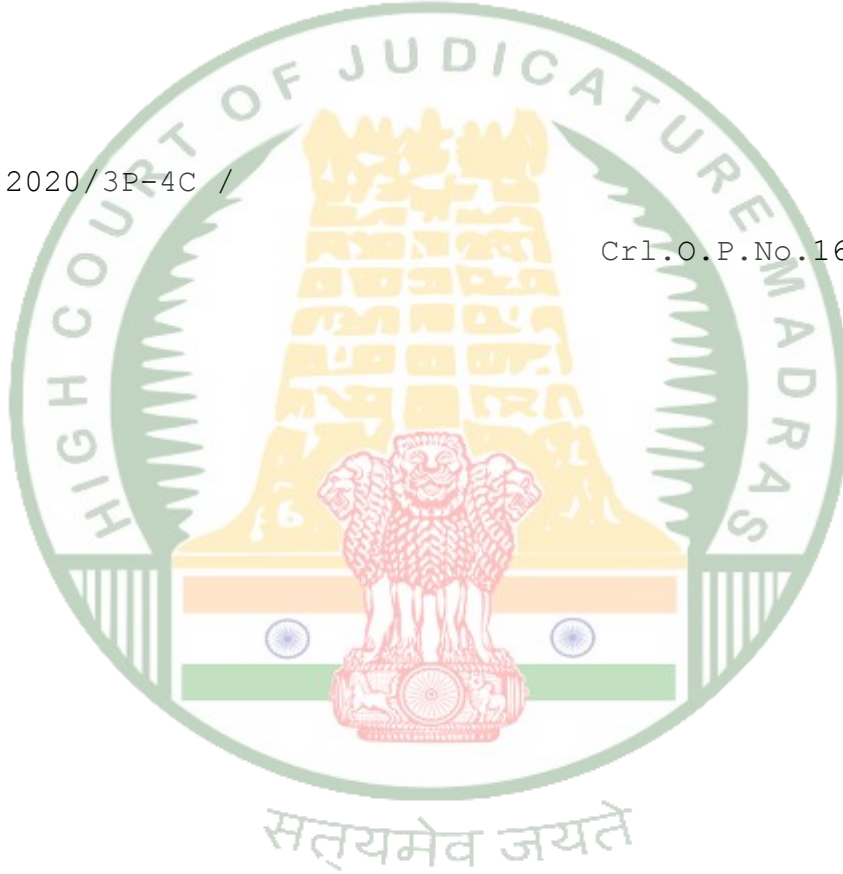
1.The Inspector of Police
D-6, Maraimalai Nagar
Kancheepuram District

2.The Public Prosecutor,
High Court of Madras, Chennai -104.

Copy to : The Section Officer,
Criminal Section, High Court, Madras

AKM/19.03.2020/3P-4C /

Crl.O.P.No.16820 of 2014



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