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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2021

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

CRL.O.P.NO.18592/2015 & CRL.M.P.NO.1 OF 2015

[VIDEO CONFERENCING]

Nallagathala Samuel

... Petitioner/
Accused

Versus

1.The State represented by
The Inspector of Police,
T-1, Ambattur Police Station,
Ambattur, Chennai - 600 053.

... Respondent/
Complainant

2.N.Angappan

... Respondent/
Defacto Complainant

Prayer : -

Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records and to quash the First Information Report in Crime No.2421 of 2014 on the file of the T-1, Ambattur Police Station.

For Petitioner : Ms.S.Sridevi

For R1 : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

Heard Ms.Sridevi, learned counsel for the petitioner and Mr.E.Raj Thilak, learned Additional Public Prosecutor for the respondent.

2.The present petition has been filed seeking to interfere with further investigation in Crime No.2421 of 2014 by the



Inspector of Police, T-1, Ambattur Police Station, Ambattur, Chennai.

3.It is seen that Crime No.2421 of 2014 had been registered on a complaint given by the 2nd respondent herein for alleging offence under Sections 406, 420 and 506(i) IPC.

4.The petitioner had purchased 1215 Sq.ft of land from one Premalatha which land is in S.Nos.597 and 606/1 and Old No.72, New No.18, Ambattur Village, Krishnapuram, Pushpammal Street, Thiruvallur District. There is also a house in the said land. The Power of Attorney of V.Premalatha, the vendor had negotiated the transactions and had executed a Sale Deed on 10.05.2012 which was registered as Document No.5509 of 2012 in the Sub-Registrar Office, Ambattur. The petitioner herein, thereafter wanted to sell the land. The de-facto complainant / 2nd respondent held out that he was a developer of land and that he wanted to construct a Multi Storey Apartment. The petitioner herein appointed the 2nd respondent / de-facto complainant as a Power of Attorney Agent by registered document namely, Doc. No.6513 of 2014 dated 16.05.2014 again registered in the Sub-Registrar Office, Ambattur. The 2nd respondent had thereafter entered into an Agreement of Sale with one R.M.Meenakshi Sundaram and this document was also registered as Doc.No.11011 of 2014 on 14.08.2014.

5.It is complained that there was an earlier suit filed was pending namely, O.S.No.353 of 2010 and the pendency of that suit, which was not known either to the petitioner or to the 2nd respondent and which the 2nd respondent came to know later, was the factor which triggered the 2nd respondent to lodge a complaint on the basis of which FIR in Crime No.2421 of 2014 had been registered by the 1st respondent, as stated under Sections 406, 420 and 506(i) of IPC.

6.A status report had been filed by the 1st respondent wherein, they had very categorically stated that the 2nd respondent could not be traced. There was a direction given on 24.09.2021 to issue notice under Section 41A of Cr.P.C and thereafter, proceed with the investigation.

7.However, Mr.E.Raj Thilak, learned Additional Public Prosecutor, today stated that the whereabouts of the 2nd respondent are not known. In view of the fact that the crime number had been registered nearly about seven years back, a direction is given to the 1st respondent to complete the investigation and file a final report before the jurisdictional Court on or before 30.11.2021.



8. With the above observations, the present Criminal Original Petition is disposed of. Consequently, the connected Miscellaneous Petition is closed.

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Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

smv

To

1. The Inspector of Police,
T-1, Ambattur Police Station,
Ambattur, Chennai - 600 053.

2. The Public Prosecutor
High Court, Madras.

+1cc to M/s.S.Sridevi, Advocate, S.R.No.54475

Crl.OP.No.18592/2015

CP(CO)
PM/10/11/2021