

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.16682 of 2021
and
CRL.M.P.No.9099 of 2021

P.Navaneetham,
D/o. V.Angamuthu

... Petitioner

Versus

1.The State rep.by
The Inspector of Police,
Land Grabbing Cell,
Central Crime Branch,
Team 18, Veppery, Chennai.
(Crime No.33 of 2020)



2. R.Ramakrishnan

....Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to pass an order to call for the records FIR in Crime No.33 of 2020 dated 28.01.2020 pending on the file of the 1st respondent and quash name of the petitioner from the list of accused.

For Petitioner : Mr.V.Arunagiri

For Respondents : Mr.A.Damodaran
Addl. Public Prosecutor

Mr. Pragadesh Kumar for R2

ORDER

(This case has been heard through video conference)

The Petitioner/A2 in Crime No.33 of 2020 for an offence under Sections 419, 465, 467, 468 r/w 34, 109 of I.P.C., has filed this quash petition.

2. The contention of the petitioner is that the petitioner is an innocent purchaser and obtained a power of attorney from A1 by paying a sum of Rs.12,86,400/-. The demand draft copy is produced. Thereafter, a registered power of attorney was executed on 31.03.2018 by A1 in document No .1982 of 2018 and followed it, the petitioner purchased the property by an unregistered sale deed. Thereafter, the petitioner was in possession of the property, put up construction and later

sold to A5. A3 and A4 are the witnesses to the power of attorney and other documents. The petitioner is an innocent purchaser, who purchased property by paying money and now facing criminal case.

3. The learned counsel appearing for defacto complainant/2nd respondent appeared and intervened in this case and submitted that earlier, he filed a petition in Crl.O.P.No.16748 of 2021 before this Court and this Court by order on 17.09.2021 directed the respondent police to complete the investigation in Crime No.33 of 2020 within a period of six months. He would also submit that the petitioner is not a bonafide purchaser and the petitioner was very well aware that the property belongs to Tamil Nadu Housing Board. Without verifying with the authorities about the status of property and the real owner, the petitioner now projected as though she is a original owner. The 2nd respondent was allotted the land by Tamil Nadu Housing Board in the year 2005. Thereafter, he was paying monthly payments regularly for the past 13 years and finally, a sale deed was executed by the Housing Board. All the original title deeds are available with the 2nd respondent. The 2nd

respondent used to visit the site often. In the meanwhile, due to ill health, he was unable to visit the site from the year 2018. In the meanwhile, all the accused have conspired together and prepared forged document and using the forged documents, put up construction and committed an offence. Thereafter, a complaint was lodged.

4. The learned Additional Public Prosecutor appearing for 1st respondent would submit that it is an housing board allotted plot and the original documents are in the name of 2nd respondent, who is in possession of original documents, payment particulars etc. A1 in this case impersonating the 2nd respondent, having conspired with the other accused had created documents and executed a sale deed. The investigation in this case almost completed and within a short period, charge sheet would be filed.

5. Heard rival submissions of learned counsel appearing for petitioner and respondents and perused the records.

6. Considering the submissions and on perusal of materials, this Court finds that there are materials against the petitioner. In view of the same, this Criminal Original Petition is dismissed. Consequently, connected Criminal Miscellaneous Petition is closed.

28.09.2021

Index: Yes/No
Internet: Yes/No
rpp/nr

To

1.The Inspector of Police,
Land Grabbing Cell,
Central Crime Branch , Team 18,
Veppery, Chennai.

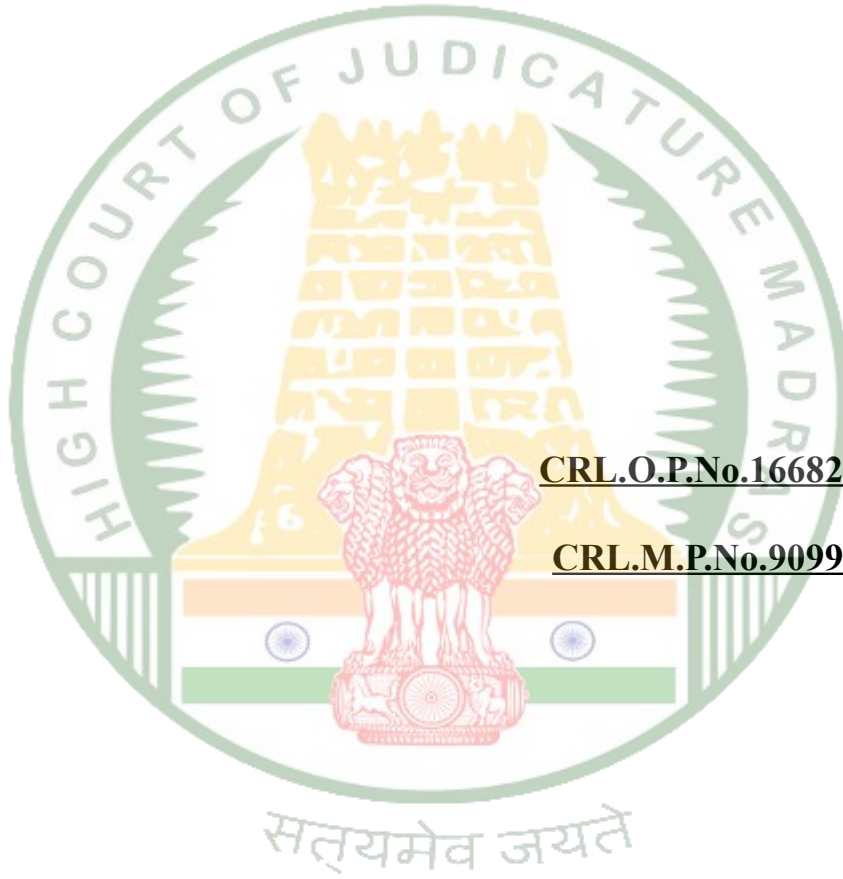
2. The Public Prosecutor,
High Court, Madras.

सत्यमेव जयते

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M.NIRMAL KUMAR, J.

rpp/nr



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