



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2021

C O R A M

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

CRL. O.P. NO.26368 OF 2017

AND

CRL.M.P.NO.15197 OF 2017

Sakthivelu
S/o.Chinnasamy

... Petitioner/Accused

Versus

1. The State rep. by
The Inspector of Police
T-14, Mangadu Police Station
Mangadu, Kanchipuram District
(Crime No.1493 of 2017)

... 1st Respondent/
Complainant

2. V.Senthamil Selvi

... 2nd Respondent/
Defacto Complainant

PRAYER :

Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the records relating to the F.I.R in Crime No.1493 of 2017 from the file of the 1st respondent and quash the same.

For Petitioner ... Mr.M.Velmurugan

For Respondents ... Mr.S.Vinoth Kumar
Govt. Advocate (Crl.side) for R1
No Appearance for R2

O R D E R

This Criminal Original Petition has been filed to quash the FIR registered against the petitioner in Crime No. 1493 of 2017 for the offences under Sections 406, 120B, 420, 465, 468, 471 and 506(1) IPC.

2. The learned counsel appearing for the petitioner submitted that the de facto complainant already executed a power of attorney in favour of one N.R.Subramani who in turn sold the



property to one N.D.Kathirvel and the present petitioner is no way connected with the transaction and he only introduced the de facto complainant to N.R.Subramani through his friends and the de facto executed a Joint Venture Agreement with him. It is his further contention that the de facto complainant has also filed a suit for cancelling the sale deed. Learned counsel also submitted that name of the Power of Attorney Agent has not been shown as an accused in the FIR. According to learned counsel, since the entire dispute is arising out of a civil dispute, there cannot be any prosecution.

3. Heard the learned Government Advocate (Crl.side) on the above said submissions.

4. The learned Government Advocate (Crl.side) submitted that the investigation has been transferred to Central Crime Branch, Team 26 and the allegation in the FIR is committing cheating on the de facto complainant and the same has to be investigated.

5. This Court perused the FIR and the other materials filed in the form of a typed-set of papers. It appears that the de facto complainant under the promise made by one Navaneeth has executed a Power of Attorney for the purpose of Joint Venture. Only such inducement forced the de facto complainant to execute the Power of Attorney. However, since the investigation has already been transferred to Central Crime Branch, whether the transaction has happened due to the inducement and promise made from the inception and whether the offence has been made out or not has to be probed into by the Investigating Agency. With regard to the submission that the name of Power of Attorney agent does not reflect in the FIR, this Court is of the view that FIR need not contain minute details and it is for the investigating agency to find out the perpetrators of alleged offence. In such view of the matter, at this stage this Court cannot quash the First Information Report.

Accordingly, this Criminal Original Petition is dismissed. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

gpa



To

1. The Inspector of Police
T-14, Mangadu Police Station
Mangadu, Kanchipuram District.

2. The Public Prosecutor
Madras High Court
Chennai.

+1cc to Mr.M.Velmurugan, Advocate, S.R.No.67289

Cr1. O.P. No.26368 of 2017 and
Cr1.M.P.No.15197 of 2017

KJ(CO)
PM/04/01/2022