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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.10.2021

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

Crl.OP.No.27471/2017

in

Crl.M.P.No.15580/17

[Video Conferencing]

V.Murugananthan

... Petitioner

Versus

The Inspector of Police,
Central Crime Branch,
Vepery, Chennai -600 007.
(Crime No.394/2007)

... Respondent

Prayer : - Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records relating to Crime No.394/2007 pending on the file of the Respondent Police and quash the same.

For Petitioner : Mr.T.Gowthaman

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

ORDER

The present Criminal original petition has been filed taking advantage of Section 482 of the Code of Criminal Procedure, seeking interference with the investigation in C.C.No.394 of 2007 registered by the respondent / the Inspector of Police, Central Crime Branch, Vepery, Chennai - 600 007.

2. There is a house site bearing S.No.1/6-2A1 of Kodaikanal Village which was originally purchased by the wife of the defacto complainant by a registered Sale Deed in the year 1969. The property was then notified to be acquired through land acquisition proceedings. Challenging the said investigation, the wife of the defacto complainant filed W.P.No.11408 of 1983 before this Court and the said writ petition was allowed. The writ appeal filed by the Government was dismissed.



3. In the interregnum period, the wife of the defacto complainant died on 19.01.2004, which left the defacto complainant / her husband as her only sole legal representative. He therefore claimed title over the property. He then executed a power of attorney to the petitioner herein, who is the 2nd accused in Crime No.394 of 2007 which power of attorney document had been registered as Document No.888 of 2006 on 05.07.2006. On the strength of the said power of attorney, the petitioner herein had executed a sale deed on 21.07.2006 which was registered as Document No.980 of 2006 in the office of the Sub-Registrar, Kodaikanal.

4. The defacto complainant, in the meanwhile, owing to the acquisition proceedings thought that the land could never be returned back to him or that he would never get title or possession of the lands, had applied for compensation. The purchaser also applied for compensation. Thereafter, he disowned knowledge of the execution of the power of attorney, thereby, assailing even the sale deed executed by the petitioner herein. He then gave a complaint which lead to registration of First Information Report in Crime No.394 of 2007 under Sections 419, 420, 465, 467, 468 of IPC read with 471 and 120 (B) of IPC.

5. The provisions under Sections 465, 467, 468, 472 of IPC were claimed to attracted only primarily because the stand of the defacto complainant that the power of attorney document was unlawfully obtained by the petitioner herein. However, it appears to a document lawfully executed and the defacto complainant himself had agreed and had admitted that he had executed the said document.

6. I am also informed that the defacto complainant is also dead and there are no other legal representatives. The police are also not able to identify any legal representatives to prosecute further the complaint. But the crux of the complaint being execution of power of attorney registered as Document No.888 of 2006 on 05.07.2006 which power of attorney, had been admitted by the defacto complainant as having been lawfully executed by him, I hold that further investigation into the Crime No.394 of 2007 would only be a futile exercise. Consequently, the First Information Report in Crime No.394 of 2007 is quashed. Hence the Criminal Original Petition is allowed. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-III)

//True copy//

Sub Assistant Registrar



To

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1.The Inspector of Police,
Central Crime Branch,
Vepery, Chennai -600 007.
(Crime No.394/2007)

2.The Public Prosecutor
High Court, Madras.

+1cc to Mr.T.Gowthaman, Advocate SR.No.52494

Crl.OP.No.27471/2017

KSM(CO)
GMY (26/10/2021)