



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CRL.O.P.NO.28381 OF 2018

AND

CRL.M.P.NO.16502 OF 2018

Pyarelal Jain

... Petitioner/
Accused(A1)

Vs.

1. State rep. by the Inspector of Police,
CCB-1Police Station,
Chennai.
(Cr.No.450/2018)

... Respondent/
Complainant

2.Vyjayanthi

... Respondents/
Defacto Complainant

Prayer:

Petition filed under Section 482 of Cr.P.C., to call for the records in FIR No.450 of 2018 on the file of the first respondent.

For Petitioner	:	Mr.K.Balu
For Respondents	:	Mr.C.E.Pratap - R1 Government Advocate (Crl.Side) Mr.Deepak for Mr.M.Udhaya Kumar - R2

O R D E R

The petitioner has filed this petition seeking to quash the proceedings in Cr.No.450/2018, on the file of the 1st respondent.

2. The case of the prosecution is that the petitioner purchased a property situated at No.72, Poonamallee High Road, Chetpet, Chennai owned by one Vedavalli, Singaracharlu and the defacto complainant in the year 2007. As directed by the defacto complainant and his brother, the entire sale consideration was paid to the said Vedavalli, who is the practising Advocate before this Court. In turn, the said Vedavalli paid the entire share amount to her brother Singara Charlu and the defacto complainant by way of bank transaction. After lapse of 11



years, the present complaint has been filed as if the petitioner obtained Power of Attorney and agreed to pay a sum of Rs.5 Crores and the amount was not paid.

3. The learned counsel for the petitioner submitted that the entire transaction was made in the year 2007. The disputed property is owned by the defacto complainant and her siblings. Initially, the petitioner obtained a power of attorney from the defacto complainant and her siblings in the year 2006. Subsequently, the property was sold in the year 2007 and the entire sale consideration was deposited to the sister of the defacto complainant viz., Vedavalli. On an earlier occasion, the defacto complainant's brother filed a complaint before the respondent police against the petitioner and the defacto complainant for non payment of the sale consideration. After conducting enquiry, the respondent police closed the case as 'mistake of fact'. Thereafter, the brother of the defacto complaint filed two suits before this Court and the same are pending. Due to family dispute between the defacto complainant and her brother and sister, a false complaint has been lodged against the petitioner. The defacto complainant has already received her share of sale consideration from the petitioner. In order to grab the money from the petitioner, she filed a false complaint. Hence, the learned counsel prays to quash the FIR.

4. The learned counsel for the second respondent submitted that the defacto complainant is the absolute owner of the property. She agreed to sell the property to the petitioner for a sum of Rs.5 Crores as sale consideration. Believing the words of the petitioner, the defacto complainant executed power of attorney to the petitioner. Through the same power of attorney, the petitioner sold the property to three persons. Even after selling the property, the petitioner, as a power agent, did not pay the sale consideration to the defacto complainant either by cash or by cheque. At the time of sale consideration, the defacto complainant was residing in the USA. As such, the petitioner cheated the defacto complainant to the tune of Rs.5 Crores. Hence, the learned counsel prays to dismiss this petition.

5. Heard the learned counsel for the petitioner as well as the respondents 1 & 2 and perused the available materials.

6. The grounds raised by the learned counsel for the petitioner as well as the defacto complainant are all factual in nature and they require appreciation of evidence, and this Court cannot decide the same in exercise of its jurisdiction under Section 482 of Criminal Procedure Code. It is left open to the parties to raise all the grounds before the Investigating Officer and the same shall be considered on its own merits and



in accordance with law. It is admitted that there are two civil suits pending before this Court. This Court is not inclined to interfere with the proceedings pending before the 1st respondent Police.

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7. It is now represented by the learned counsel appearing for the petitioner that without going into the merits of the case, it would suffice, if this Court issues direction to the law enforcing agency to expedite the investigation and complete the same as early as possible.

8. In view of the above, this Court, without going into the merits of the case, directs the parties to produce the entire records before the law enforcing agency. After hearing both the parties, the law enforcing agency shall expedite the investigation in Cr.No.450 of 2018 and complete the same in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

9. With the above directions, this criminal original petition is disposed of. Consequently, connected miscellaneous petitions, if any, are closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
CCB-1 Police Station,
Chennai.

2. The Public Prosecutor,
Madras High Court.

+2ccs to Mr.M.Udhaya Kumar, Advocate, S.R.No.52956
+1cc to Mr.K.Balu, Advocate, S.R.No.53368

Cr1.O.P.No.28381 of 2018
and Cr1.M.P.No.16502 of 2018

SVI (CO)
PM/17/11/2021