



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2022

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.2244 OF 2022

M.Ambrose

... Petitioner

Versus

1. The State Rep. by Inspector of Police,
M-4, Redhills Police Station,
Chennai - 600 052.

2. P.Gopi

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 1st respondent to take further action as per the direction given in CMP No.3273 of 2020 on the file of the learned Judicial Magistrate II, Ponneri by an order dated 23.08.2021 and culminated in FIR No.126/2021 on the file of first respondent to complete the further investigation and file his final report before the learned Judicial Magistrate II, Ponneri.

For Petitioner : Mr.J.R.K.Bhavanantham

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

ORDER

The prayer sought for herein is to direct the 1st respondent to take further action as per the direction given in C.M.P.No.3273 of 2020 on the file of the learned Judicial Magistrate II, Ponneri by an order dated 23.08.2021 and culminated in FIR No.126 of 2021 on the file of 1st respondent to complete the further investigation and file his final report before the learned Judicial Magistrate II, Ponneri.

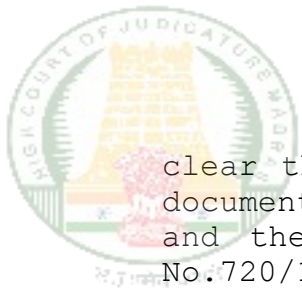


2. The case of the petitioner is that initially he filed a petition before the respondent police on 27.08.2020. Since, no action has been taken, he filed a complaint before the learned learned Judicial Magistrate, No.II, Ponneri in C.M.P.No.3273 of 2020. The learned Judicial Magistrate vide order dated 23.12.2020, directed the Inspector of Police, Redhills Police Station to register FIR against the accused for offence under Sections 406 and 420 I.P.C.. Thereafter, first respondent registered a case in Crime No.126 of 2021 on 27.03.2021 for offence punishable under Sections 406 and 420 IPC against the second respondent. The second respondent had filed an anticipatory bail in Crl.O.P.No18624 of 2021 before this Court and this Court by order dated 07.10.2021 dismissed the anticipatory bail application. In the said order, it is clearly stated that the accused P.Gopi is a Real Estate broker who was holding the Power of Attorney executed by the petitioner's husband herein. At that time the original title deed was also handed over to the petitioner. The petitioner's husband died on 09.03.2019, thereafter the second respondent has no authority to act on the petitioner's husband i.e., late Subramanian. The accused Gopi not issued with the original document. A power of attorney was registered on receipt of advance amount of Rs.7,00,000/- . The power of attorney got registered vide document No.4260 of 2018 dated 08.05.2018 before the Sub Registrar Office, Redhills. Now the Power of Attorney cannot be acted upon. Thereafter, the petitioner had also informed the Sub Registrar Office, Redhills about the death of her husband and the Power of Attorney vide document No.4260 of 2018 not to act upon and no encumbrance to be created using the petitioner's property. On appraisal of these facts, this Court dismissed the Anticipatory Bail application. Thereafter the respondent Police had not secured the accused for the past three months.

3. The learned counsel for the petitioner would submit that the respondent Police is not conducting any proper investigation in Crime No.126 of 2021.

4. Considering the aforesaid facts and circumstances, this Court finds that Inspector of Police seems to be busy with other work and despite dismissal of Anticipatory Bail Application in Crl.O.P.No.18624 of 2021 and with the fact that the petitioner's husband died on 09.03.2018 no worthwhile investigation was done.

5. In view of the same this Court finds that the directing the first respondent to conduct proper investigation would serve no purpose. Hence, the Assistant Commissioner of Police, Redhills Police Station is directed to secure the documents and persons if needed who are involved in the offence and complete the investigation as expeditiously as possible. It is made



clear that the Sub Registrar, Red Hills shall not entertain any document on the strength of Power of Attorney No.4260 of 2018 and thereby create any encumbrance for vacant plot in Survey No.720/1C2 forming part and parcel of unapproved layout named as "Sri Venkateswara Nagar" layout in S.Nos.717, 720 and 721 situated at Vilangadupakkam Village at present Madhavaram Taluk, Tiruvallur District (Previously Saidapet Taluk, Chennai Anna District) by virtue of registered Sale Deed dated 15.07.1991 in Document No.5397/1991.

6. With the above direction, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

rap/arr

To

1. The Inspector of Police,
M-4, Redhills Police Station,
Chennai - 600 052.
2. The Public Prosecutor,
High Court, Madras.
3. The Judicial Magistrate No.II,
Ponneri.
4. The Sub Registrar,
Red Hills, Chennai - 52.
5. The Assistant Commissioner of Police,
Red Hills Police Station,
Red Hills, Chennai - 52.

+1cc to M/s.J.R.K.Bhavanantham, Advocate, S.R.No.6575

CRL.O.P.No.2244 of 2022

RGN(CO)

RLP(14/02/2022)