



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2022

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Crl.O.P.No.13835 of 2022 & Crl.M.P.No.7500 of 2022

M.Velu

... Petitioner / Accused

Vs.

1. The State Represented by
The Inspector of Police,
District Crime Branch,
Namakkal District - 638 006.

...1st Respondent / Complainant

2. N.Shanthi

...2nd Respondent / Defacto Complainant

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to quash the First Information Report in Crime No.7 of 2022 dated 25.05.2022 on the file of the Inspector of Police, District Crime Branch, Namakkal District.

For Petitioner : Mr.Nithyaesh Nataraj
for Mr.S.Nirmal Aditya

For Respondents: Mr.Leonard Arul Joseph Selvam,
Government Advocate (crl.side)
- R1
Mr.M.Selvakumarasami - R2

ORDER

This Criminal Original Petition has been filed to quash the First Information Report registered in Crime No.7 of 2022 dated 25.05.2022 on the file of the first respondent registered for the offences under section 174 of Cr.P.C. and Section 420 of IPC.

2. The crux of the allegation in the First Information Report indicate that the deceased borrowed a loan of a sum of Rs.10,00,000/- and at the time of borrowal, apart from the Mortgage Deed, Power of Attorney has also been executed in the



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favour of the petitioner. Taking advantage of the above documents, the property worth of several crores have been transacted by the Power of Attorney, who is the petitioner herein. Having coming to know about the above facts, when the petitioner was enquired, the petitioner agreed to retransfer the above property in favour of the defacto complainant and her husband, provided they transfer some other property in favour of the petitioner. Pursuant to the same, the defacto complainant and her husband have also transferred the property in favour of the petitioner and inspite of the same, the petitioner failed to retransfer the property in favour of the deceased and thereby, the petitioner committed the offence which lead to the death of the defacto complainant's husband.

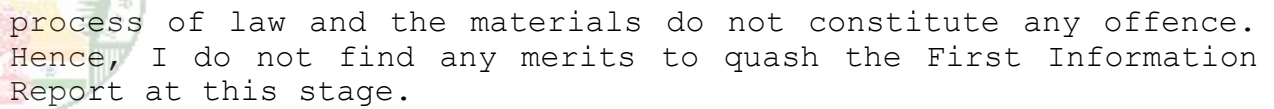
3. The learned counsel appearing for the petitioner Mr.Nithyaesh Nataraj submitted that the entire transaction is a civil transaction and documents have been registered for valuable consideration and the First Information Report is nothing but abuse of process of law and hence, seeks to quash the same. He also relied upon the letter said to have been left by the deceased admitting borrowal and execution of the documents.

4. The learned counsel appearing for the defacto complainant/second respondent Mr.M.Selvakumarasami would contend that the earlier petition filed by the petitioner for quashing the First Information Report has been dismissed by this Court and despite the same, the present petition has been filed.

5. The learned Government Advocate [Criminal Side] submitted that the investigation is in progress and the allegations pressed into service makes out cognizable offence against the petitioner and hence, prayed for dismissal of this petition.

6. Heard the learned counsel appearing for the petitioner, the learned counsel appearing for the defacto complainant and the learned Government Advocate [Criminal. Side] appearing for the respondent.

7. A perusal of the entire First Information Report discloses cognizable offence and merely because documents have been transacted, this Court cannot come to the conclusion that it is a purely civil transaction. It is for the Investigating Officer to unearth the materials during the investigation and file a report, either positive or negative. When the allegations, prima facie, discloses ingredients of the offences, the First Information Report has to be proceeded for its logical end. The Court cannot interfere during investigation, unless and until the First Information Report is a clear abuse of



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

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To

1. The Inspector of Police,
District Crime Branch,
Namakkal District - 638 006.
2. The Public Prosecutor,
Madras High Court,
Chennai.

+2ccs to Mr.S.Nirmal Aditya, Advocate, S.R.No.35238
+1cc to Mr.M.Selvakumarasami, Advocate, S.R.No.36324

Cr1.O.P.No.13835 of 2022

GPL[co]
NSK/24/06/2022