



WEB COPY



Crl.O.P.No.22384 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:19.09.2022

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.22384 of 2022

and

Crl.M.P.No.14402 of 2022

Sambanthan @ Sampath

....

Petitioner

Vs

1. The Sub Inspector of Police,
Vishnukanchi Police Station,
Kancheepuram,
Kancheepuram District.

2. Shanthi

....

Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records in FIR Crime No.206 of 2022 on the file of the 1st respondent police and quash the same.

For Petitioner	: Mr.K.Prabhakaran
For R1	: Mr.E.Raj Thilak
	Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to call for the records in FIR in Crime No.206 of 2022 on the file of the 1st respondent police and quash the same.



Crl.O.P.No.22384 of 2022

WEB COPY

2. Heard, Mr.K.Prabhakaran, learned counsel appearing for the petitioner and Mr.E.Raj Thilak, learned Additional Public Prosecutor appearing for the 1st respondent.

3. The learned counsel appearing for the petitioner would submit that originally the power of attorney was executed in respect of the subject property in favour of the petitioner by the second respondent. Subsequently, it was cancelled in the year 2011. However, on a compromise arrived at the petitioner executed a sale deed to the third party in respect of the subject property on 19.01.2012. However, it was suppressed by the defacto complainant who lodged a complaint.

4. A perusal of the compromise would show that the second respondent executed the power of attorney in favour of the petitioner in respect of the subject property registered vide document No.1185 of 2008 dated 31.10.2008. However, it was subsequently cancelled by him by the cancellation of power of attorney deed vide document No.85 of 2011 dated 15.02.2011. When there was no power of attorney existing in his favour, i.e., after cancellation of power of attorney executed in favour of



Crl.O.P.No.22384 of 2022

the petitioner herein, he executed the sale deed in favour of one Lakshmanan, without any power to execute the sale deed ,on 19.01.2012.

Therefore, admittedly, on the date of execution of sale deed, the petitioner has no power to deal with the property. Thus, for registration of FIR, there is a prima facie case made out by the second respondent.

5. Even according to the defacto complainant, the occurrence took place on 12.02.2022. Whereas, the first respondent registered the FIR on 18.02.2022. Therefore, there is a delay in registration of FIR and there is no explanation for belated registration of FIR. On perusal of the FIR also revealed that the defacto complainant lodged a complaint on the very same day i.e., 12.02.2022. On receipt of the same, she was issued CSR No.132 of 2022 and thereafter, the first respondent conducted enquiry. Subsequently, on 18.02.2022, the FIR has been registered for the offence under Sections 448 and 506(i) of IPC as against the accused. Therefore, there is absolutely no delay in lodgment of the complaint by the second respondent.

6. In view of the above discussion, this Court is not inclined to quash the FIR in Crime No. 206 of 2022 on the file of the first



Crl.O.P.No.22384 of 2022

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

19.09.2022

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

Lpp

To

1. The Sub Inspector of Police,
Vishnukanchi Police Station,
Kancheepuram,
Kancheepuram District.

2.The Public Prosecutor
Madras High Court.

G.K.ILANTHIRAIYAN. J.

Lpp



WEB COPY



Crl.O.P.No.22384 of 2022

Crl.O.P.No.22384 of 2022
and
Crl.M.P.No.14402 of 2022

19.09.2022