



Crl.O.P.No.24039 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.11.2022

CORAM:

THE HONOURABLE MS JUSTICE R.N.MANJULA

Crl.O.P.No.24039 of 2021 and
CrI.M.P.No.13265 of 2021

S.Dhansekharen

...Petitioner

Vs.

1. The state Rep by
the Inspector of Police,
CCB-II, Chennai (Team-25)
Central Crime Branch,
No.132, Commissioner Office Building,
EVK Sampath Road, Vepery,
Chennai 600 007.

2. Kumarasamy

...Respondents

Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the entire records pertaining to the case pending investigation in Crime No.117 of 2021 dated 19.11.2021 on the file of the 1st respondent Police and quash the same.

For Petitioner : Mr..B.Arvind Srevatsa

For 1st Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

For 2nd Respondent : Mr.Avinash Wadhuwani



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ORDER

This Criminal Original Petition is filed to quash the entire records pertaining to the case pending investigation in Crime No.117 of 2021 dated 19.11.2021 on the file of the 1st respondent Police and quash the same.

2. Heard the learned counsel for the petitioner, the learned Additional Public Prosecutor appearing for the 1st respondent and the learned counsel for the 2nd respondent.

3. The petitioner is the 1st accused in a case registered based on the complaint given by the 2nd respondent/ defacto complainant in his capacity as a Power Agent one Pavithra has alleged that the petitioner along with other accused have created documents to defeat title over the property situated in Survey No.413 measuring 2.51 Acres out of 2.77 Acres at Kundrathur Village, Sriperumbudur Taluk, Kancheepuram District.

4. The learned counsel for the petitioner submitted that the suit property originally belonged to one NT.Radhakrishnan and he was also



granted patta by the Tahsildar, Sriperumbudur. The said Radhakrishnan was in enjoyment of the same during his life time and he died on 02.10.1990, leaving behind his wife Girijabai, three sons and six daughters and the said Girijabai also died on 22.04.2004. In a family partition, the subject property was allotted to the eldest son viz., N.R.Ramakoti @ N.R.Ramanathan and the said Ramanathan executed a settlement deed in favour of one Chintamani on 11.03.2005 by virtue of the registered settlement deed 11.03.2005. The said Chintamani executed a general power of attorney in favour of one S.Madhavan, who is the power agent of Chintamani, and he had sold the property to one Govindaraji on 30.03.2005 by virtue of the registered Sale deed. However, in the said sale deed entire extent of 2.77 Acres were subjected to conveyance. The said Govindaraji had also executed a power of Attorney in favour of the petitioner and other accused on 24.01.2013 by virtue of the registered power document in respect of 1.26 acre on the eastern part out of 2.77 acres. He also executed another power of attorney in favour of one Sasirekha in respect of some other extent. As the power agent of Govindaraji, the petitioner has executed the sale deed in favour of one K.Sambanda Chettiar on 01.09.2015 in



respect of 1.26 Acres, 0.63 cents and 0.62 Cents making together 2.51 acres.

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5. In this regard, a civil suit has been filed in O.S.No.11326 of 2010 by one Ranganayaki and others against N.R.Ramakoti and others who are the petitioner's predecessor in title. Subsequently, the parties have entered into a compromise and a compromise decree was passed on 04.12.2012. The complainant who has given the complaint is the power agent viz., Pavithra and the said Pavithra had also filed a suit in respect the said subject matter in O.S.No.513 of 2015 and subsequently, she had withdrawn the said suit and hence the suit was dismissed as withdrawn.

6. The parties have chosen to seek recourse through instituting civil proceedings and the civil suits are also pending. Hence, the matter is no doubt, civil in nature. Since the defacto complainant herself had withdrawn the suit filed by her against the petitioner and had chosen to contest the suit filed by the petitioner in respect of the subject matter and the matter is civil in nature, I feel it is appropriate to quash the FIR by invoking power under Section 482 of Cr.P.C.

7. In the result, this Criminal Original Petition is allowed. The FIR in



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Crime No.117 of 2021 dated 19.11.2021 is hereby quashed. Consequently,
connected miscellaneous petition is closed.

23.11.2022

vum

Index:yes/No

Speaking order / Non speaking order



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R.N.MANJULA,J.

vum

To

1. The Inspector of Police,
CCB-II, Chennai (Team-25)
Central Crime Branch,
No.132, Commissioner Office Building,
EVK Sampath Road, Vepery,
Chennai 600 007.
2. The Public Prosecutor,
Madras High Court,
Chennai.

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