



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 3/1/2022

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Crl. O.P. Nos.18962 and 18973 of 2017

a n d

Crl.M.P.Nos.11507 to 11510 of 2017

a n d

3299 and 3301 of 2019

R.Revathi Rajagopal

...

Petitioner in both
the petitions

Vs

R.M.Veerappan

rep. By his Power of Attorney

Mr.M.Ganesan

Saminathapuram

Salem 636 009.

...

Respondent in both
the petitions

PRAYER : Criminal Original Petitions filed under Section 482 Cr.P.C., to call for the records relating to S.T.C.Nos.1049 and 1050 of 2016, on the file of the Judicial Magistrate No.5, Salem and quash the same.

For Petitioner ... Mr.S.Shanmuga Velayutham
(in both the Petitions) Senior Counsel
for Mr.T.Vijayaraghavan

For Respondent ... Mr.S.Kalyanaraman
(in both the Petitions)

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C O M M O N O R D E R

These Criminal Original Petitions have been filed to quash S.T.C.Nos.1049 and 1050 of 2016, pending on the file of the learned Judicial Magistrate No.5, Salem.

2. Heard the learned counsel appearing on either side and perused the materials available on record.



3. The point canvassed by the learned counsel appearing for the petitioner is that there is no specific assertion made in the complaint filed by the Power Agent of the complainant that he was aware of the entire transaction. In support of his submissions, the learned counsel appearing for the petitioner relied on a judgment of the Hon'ble Supreme Court in A.C.NARAYANAN Vs. STATE OF MAHARASHTRA AND ANOTHER (2014) 11 SUPREME COURT CASES 790, wherein it is held that whenever a complaint is filed by a Power Agent, the complainant is required to make his specific assertions as to the knowledge of the Power of Attorney holder for the said transaction "explicitly" in the complaint.

4. In fact, the petition filed by the Power Agent itself indicate that there are sufficient averments to show that he was personally aware of the loan transaction made between the complainant and accused. Whether the Power Agent is aware of the transaction or not cannot be decided in this quash petition. It can be seen only during the time of trial. In such a view of the matter, I am not inclined to quash the proceedings.

5. In the result, these Criminal Original Petitions are dismissed.

6. At this stage, the learned counsel appearing for the petitioner requested this Court to dispense with the presence of the petitioner. Taking into consideration, the facts and circumstances of the case, the presence of the petitioner before the Trial Court is dispensed with, except for receipt of copies, answering the charges, questioning under Section 313 Cr.P.C., or on any other date as may be required by the trial Court. They shall be represented by a counsel, who shall cross examine the witnesses on the same day, when they are examined in Chief.

Consequently, connected Criminal Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

mvs
To

The Judicial Magistrate No.5, Salem.

+2 ccs to Mr.T.Vijayaraghavan, Advocate Sr.NO. 738,737

+2 ccs to Mr.S.Kalyanaraman, Advocate Sr.NO. 16,17

Crl. O.P. Nos.18962 and 18973 of 2017

PA(CO)

A.SK(21.01.2022)