



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.03.2022

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

CrI.R.C(MD)No.853 of 2021

WEB COPY

D.Samuel

... Petitioner/Petitioner

Vs.

1. The State represented by
The Inspector of Police,
District Crime Branch,
Tuticorin and District.

...1st Respondent/Respondent

2. P.Balamurugan

3. C.Sermapandi

4. Bindhu

5. T.Anandan

6. C.Ramasamy

7. P.Thirumani

8.Premalatha

...Respondents 2 to 8/
Proposed Accused

Prayer: This Criminal Appeal Petition filed under Section 397, r/w.401 of Cr.P.C. to call for the records pertaining to the order passed by the learned Judicial Magistrate No.IV, Tuticorin in CrI.M.P No.3757 of 2021 dated 14.09.2021, examine the records and set aside the same.

For Petitioner	: Mr.R.Diwakaran
For Respondents	: Mr.K.Sanjai Gandhi
For R1	Government Advocate (Criminal Side)
For RR2 to RR7	: Mr.R.Balakrishnan

O R D E R

This Criminal Revision Petition has been filed as against the order passed by the learned Judicial Magistrate No.IV, Tuticorin in CrI.M.P No.3757 of 2021 dated 14.09.2021.

2.On perusal of complaint, it is revealed that one Balamurugan has executed deed of Power of attorney on 21.10.2019 vide D.No.3864 of 2019, in favour of the third respondent herein, in respect of property ad-measuring 1 Acre land, out of total extent of 3 acres and 50 cents. Subsequently, on 11.11.2019, another power of attorney



deed vide D.No.4101 of 2019, executed by the second respondent, in favour of the third respondent. On the strength of power of attorney, on 02.12.2019, the third respondent executed a sale deed in favour of the fourth respondent herein, vide registered D.No.4387 of 2019. Thereafter, on the strength of said sale deed, the Village Administrative Officer, created Patta. On the complaint lodged by the petitioner, the above documents were cancelled by the cancellation deed. Therefore, there is *prima facie* case made out for the offences under Sections 463, 464, 465, 468, 471, 474 r/w 34 IPC. However, the learned Magistrate, subsequently dismissed the petition as there is no *prima facie*, to register the FIR.

3. In view of the above the order passed by the learned Judicial Magistrate No.IV, Tuticorin in Crl.M.P No.3757 of 2021 dated 14.09.2021 is set aside and this Criminal Revision Petition is allowed. The first respondent is directed to register the FIR, on the complaint lodged by the petitioner and complete the investigation within 12 weeks, from the date of registration of FIR.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

PNM

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Judicial Magistrate No.IV,
Tuticorin.

2.The Inspector of Police,
District Crime Branch,
Tuticorin and District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.D.GEETHA, Advocate (SR-9981[F] dated 04/03/2022)

+1 CC to M/s.R.BALAKRISHNAN, Advocate(SR-10042[F] dated
04/03/2022)