



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.01.2022

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WEB COPY

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

Crl.O.P. (MD) .No.19351 of 2021

1.Muthumanickam
2.Ilayaraja
3.Ravisankar
4.Baskaran

.. Petitioners/Accused Nos.1 to 4

Vs.

1.The Inspector of Police,
Aravayal Police Station,
Sivagangai District.
In Crime No.109 of 2019.

2.S.Mahalakshmi

..Respondents/Complainants

PRAYER: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records relating to the impugned FIR in Crime No.109 of 2019 on the file of the first respondent police and quash the same as illegal.

For Petitioners : Mr.A.Mohan

For R1 : Mr.Antony Sahaya Prabahar
Additional Public Prosecutor

For R2 : Mr.P.Venkatasubramanian

ORDER

Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the first respondent.

2. The petitioners are figuring as accused in Cr.No.109 of 2019 registered on the file of the first respondent police. The defacto complainant is none other than the widowed daughter-in-law of the first petitioner. The defacto complainant's husband namely Surenthiran had executed a power of attorney in favour of the first petitioner in July 2006. The said Surenthiran passed away on 04.10.2008, but the first petitioner had executed a sale deed on the strength of this power of attorney in favour of the other son, namely, the second petitioner herein on 27.03.2013 that triggered



filing of the FIR. When the accused applied for anticipatory bail, I granted relief on 17.02.2020 by putting the accused on terms. The accused agreed to cancel the offending transaction. The defacto complainant also informed the Court that if the offending transaction is cancelled she will not have any objection for closing the criminal case.

3. The grievance of the accused is that even though the document for cancelling the deed was registered on 13.02.2020, till date the case is yet to be closed and hence, this quash petition has been filed.

4. The learned counsel for the defacto complainant submitted that the original documents are yet to be handed over. The learned counsel for the petitioners assures that he will hand over the original documents to the defacto complainant.

5. Recording the undertaking, the impugned proceedings in Cr.No.109 of 2019 is quashed and the Criminal Original Petition is allowed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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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 Inspector of Police,
Aravayal Police Station,
Sivagangai District.

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

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