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Crl.O.P.No.6752 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.10.2023

CORAM :

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

Crl.O.P.No.6752 of 2023
and
CRL.M.P.No.4250 of 2023

Mr.Raja

... Petitioner

-VS-

1.State Represented by,
Inspector of Police,
Central Crime Branch – 1,
Egmore, Chennai – 600 008.

2.Mrs.Vasantha.K

...Respondents

PRAYER : Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the records in C.C.No.149 of 2022, now pending on the file of the Special Court of Exclusive Trial of Land Grabbing Cases Metropolitan Magistrate Court-I at Egmore.

For Petitioner

: Mr. A.Praveen Alexander

For R1

: S.Udaya Kumar
Government Advocate (Crl.Side)



ORDER

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Heard learned counsel for the petitioner and the learned Government Advocate (CrI.Side) appearing for the State.

2. This is a petition to quash C.C. No.149 of 2022 on the file of the Special Court for Exclusive Trial of Land Grabbing Cases, Metropolitan Magistrate Court-I at Egmore. The petitioner is arrayed as 5th accused. His role in the scheme of cheating and land grabbing was alleged witnessing a fabricated Power of Attorney deed by impersonation of the land owner Vasantha.

3. Learned counsel appearing for the petitioner submits that he is an acting driver engaged by the main accused to drive his car. On his request, he attested the Power of Attorney deed and he had no *mens rea* to commit fraud at any nature as alleged in the final report. It is contended that no case made out against him for offences under Sections 420, 465, 467 and 468, 471 r/w 34 of IPC.

4. Learned Government Advocate submitted that it is a case of land grabbing by impersonation and fabrication of documents. Vasantha/defacto complainant is the wife of one Krishan, her land been grabbed by impersonation



and fabrication of documents by one D.Vijayakumar S/o. Duraisingam. For the said purpose, a Power of Attorney in the name of Vasantha was fabricated by impersonation, some other lady was arranged by this fraudsters and the deed of Power of Attorney in respect of the complainant's property was prepared and registered. This petitioner is one of the witness had identified the impersonator as Vasantha and signed the Power of Attorney deed. Therefore, the learned Government Advocate submitted that the overt act been established through witnesses and documents and therefore, the petitioner is not entitled for the relief sought in this petition.

5. This Court after considering the case records and alleged role against this petitioner finds that because of the petitioner's identification of a wrong person as Vasantha in the Power of Attorney deed, the subsequent transfer of the property based on the fraudulent Power of Attorney deed has occurred. The Original Owner of the land had not appointed Vijayakumar as her Power Agent. However, a document has been created as if the original owner Vasantha had appointed the said Vijayakuamr as her Power Agent, for which, a fabricated Power of Attorney deed been prepared. Before the Register Office, this petitioner along with another person had dishonestly identified, a wrong

Dr.G.JAYACHANDRAN, J.



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impersonator as Vasantha. Since there is prima facie material available on record and has been spoken by witnesses, it is a matter for trial and cannot be interfered under Section 482 of Cr.P.C. to quash. Hence this petition is dismissed. Consequently, connected Miscellaneous Petition is also dismissed.

13.10.2023

Index : Yes/No

Neutral Citation : Yes/No

rkp

To

- 1.The Special Judge of Exclusive Trial of Land Grabbing Cases
Metropolitan Magistrate Court-I,
Egmore.
- 2.The Inspector of Police,
Central Crime Branch – 1,
Egmore, Chennai – 600 008.
- 3.The Public Prosecutor,
Madras High Court, Madras.

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