



WEB COPY



Crl.O.P.No.20667 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.20667 of 2021
and Crl.M.P.No.11261 of 2021

PV.Chandra Kumar

... Petitioner

1. State Represented by Inspector of Police,
Central Crime Branch, Team II,
Chennai.
2. The Executive Engineer & ADO,
JJ Nagar Division, Tamil Nadu Housing Board,
Thirumangallam, Chennai – 600 101.

... Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to call for records relating to C.C.No. 53 of 2021 pending on the file of the Learned Judicial Magistrate-I, Poonamallee and quash the same.

For Petitioner	: Mr.C.Umashankar for Mr.M.Selvam
For R1	: Mr.L.Baskaran Government Advocate (Crl.Side)
For R2	: Mr.A.M. Ravindranath



Crl.O.P.No.20667 of 2021

ORDER

WEB COPY

This Criminal Original Petition has been filed to quash the proceedings in C.C.No. 53 of 2021 pending on the file of the learned Judicial Magistrate-I, Poonamallee.

2. The case of the prosecution is that the plot No. 1549 LIG-I type to an extent of 60 Sqm was allotted to one K.Sridhar by the Tamil Nadu Housing Board under the Hire Purchase Scheme. The Tamil Nadu Housing Board has registered a sale deed in favour of the said K.Sridhar in Document No. 13598 of 2007 dated 19.12.2007. Thereafter, the original allottee has verified the encumbrance certificate and found that earlier sale deed was executed in favour of one alleged person whose name was also K.Sridhar *vide* Document No. 11146 of 2007 dated 10.10.2007. In turn, he has executed a sale deed in favour of the sixth accused on 11.06.2009 registered *vide* Document No. 3401 of 2009. Subsequent to the said sale deed, the sixth accused has executed a Power of Attorney in favour of the petitioner herein registered *vide* Document No. 991 of 2010 dated 10.05.2010. Hence, the said complaint.



CrI.O.P.No.20667 of 2021

3. On receipt of the said complaint, the first respondent police registered a F.I.R.No. 92 of 2019 for the offences under sections 419, 465, 467, 468, 471, 34, 420 & 120(B) of IPC. The petitioner is arrayed as seventh accused.

4. The learned counsel for the petitioner submitted that the petitioner was an innocent purchaser and after paying the entire sale consideration, the Power of Attorney was executed in his favour. In fact, when he came to know about the forgery committed by the other accused persons, he admitted to return back the money to the person who purchased and approached a broker named Ayyavu. The said Ayyavu also admitted his liability by way of letter of undertaking dated 12.06.2010 and thereby undertook to return the money which was received from the petitioner. Therefore, the petitioner is an innocent purchaser and he has nothing to do with the offences as alleged by the prosecution.

5. On a perusal of the records, it is revealed that there are seven accused persons in which the petitioner is arrayed as the seventh accused.



Crl.O.P.No.20667 of 2021

Originally, one K.Sridhar was allotted with the plot No. 1549 LIG-I type by the Tamil Nadu Housing Board. After payment of the entire amount in instalments by K.Sridhar, the Tamil Nadu Housing Board has executed the sale deed on 19.12.2007 in favour of K.Sridhar registered vide Document No. 13598 of 2007. After knowing the fact, that the said K.Sridhar was allotted the said plot No. 1549 LIG-I, the accused persons together with other persons impersonated K.Sridhar and also with the influence of Housing Board Officer has executed another sale deed in favour of another person whose name was also K.Sridhar without making any payment. In turn, another sale deed was executed in favour of the sixth accused on 11.06.2009 registered vide document No. 3401 of 2009. In order to create further encumbrance, the sixth accused has executed the power of attorney in favour of the petitioner who is arrayed as seventh accused and after payment of entire sale consideration, he accepted for execution of Power of Attorney instead of sale deed. Even after execution of power of attorney, the petitioner never intended to execute any sale deed in his favour. It shows that all the accused persons together with an intention to cheat and to grab the entire property which was allotted in favour of the de-facto



Crl.O.P.No.20667 of 2021

complainant. Therefore, the petitioner cannot be stated as innocent purchaser. Further, one Ayyavu who is the broker had executed letter of undertaking to return the money in favour of the petitioner. However, so far as no money was returned in his favour. The petitioner, as such, only to create further encumbrance, the Power of Attorney was executed in his favour. Therefore, the grounds raised by the petitioner cannot be considered to quash the entire proceedings.

6. There are allegations and incriminating materials against the petitioner in order to attract offences as alleged by the prosecution. Hence, this Court is not inclined to quash the proceedings in C.C.No.53 of 2021 pending on the file of the learned Judicial Magistrate-I, Poonamallee.

7. Accordingly, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is closed.

11.10.2023

Internet:Yes/No
Index:Yes/No
Speaking Order/Non-Speaking Order
veda/vca

5/7



Crl.O.P.No.20667 of 2021

WEB COPY To

- 1.The Judicial Magistrate-I, Poonamallee.
- 2.The Inspector of Police,
Central Crime Branch, Team II,
Chennai.
- 3.The Executive Engineer & ADO,
JJ Nagar Division, Tamil Nadu Housing Board,
Thirumangallam,
Chennai – 600 101.
- 4.The Public Prosecutor,
High Court, Madras.



WEB COPY



Crl.O.P.No.20667 of 2021

G.K.ILANTHIRAIYAN. J.

veda/vca

Crl.O.P.No.20667 of 2021
and Crl.M.P.No.11261 of 2021

11.10.2023