



WEB COPY



Crl.O.P No.18080 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.18080 of 2023

and

Crl.M.P.No.11950 of 2023

N. Veerappan
S/o. D.Narayanan

... Petitioner

vs.

1. The Inspector of Police,
Avadi – CCB,
Chennai – 600 054.

2. Subbrayulu,
S/o. Venugopal Chetty

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to call for records in Impugned FIR No.44 of 2023 on the file of first respondent and quash the same.

For Petitioner : Mr. S.Veeraraghavan
for Mr.G.Uma Maheswari

For Respondents : Mr. A.Damodaran
Additional Public Prosecutor [R1]



Crl.O.P No.18080 of 2023

ORDER

This Criminal Original Petition has been filed seeking to quash the First Information Report in Crime No.44 of 2023 pending investigation on the file of first respondent.

2. The case of the prosecution is that the second respondent's father had purchased the subject property and was the absolute owner of the property. The second respondent thereby claims to be absolute owner after his father. The second respondent found that a Power of Attorney document has been registered on 25.08.2020 by A2 in favour of A3 by authorizing the petitioner (A3) to deal with the subject property and other properties. Immediately, after finding the entry in the encumbrance certificate, a complaint was given to the Registration Department not to entertain any document pertaining to the subject property. Even though enquiry was called for, none of the accused persons attended the enquiry. Since an attempt was made to grab the property belonging to the second respondent, a complaint came to be filed and based on the same, a First Information Report was registered in Crime No.44 of 2023 pending investigation on the file of first respondent.



3. Heard Mr. S.Veeraraghavan, learned counsel for petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor appearing for first respondent.

4. The petitioner, who has been arrayed as A3 has taken a very specific stand that he did not know that A2 is not the actual owner of the property. That apart, even after the Power of Attorney document was executed in favour of the petitioner (A3), the petitioner through communication dated 06.07.2023 had informed A2 that no original documents were shown to the petitioner and hence, the petitioner requested him to cancel the Power of Attorney document. There was no response from A2.

5. In the light of the specific stand taken by the petitioner, the respondent police shall not consider the petitioner as an accused in the First Information Report. A statement shall be recorded from the petitioner u/s.161(3) Cr.P.C. and the relevant documents shall also be collected. Ultimately, on completion of investigation, the final report shall be filed as against the accused persons against whom the offence is made out.



WEB COPY



Crl.O.P No.18080 of 2023

N. ANAND VENKATESH., J

gm

This Criminal Original Petition is disposed of in the above terms.
Consequently, connected miscellaneous petition is closed.

11.08.2023

Index : Yes/No
Speaking Order/Non-Speaking Order
Neutral citation : Yes/No
gm

To

1. The Inspector of Police,
Avadi – CCB,
Chennai – 600 054..
2. The Public Prosecutor,
High Court, Madras.

Crl.O.P No.18080 of 2023