



Criminal Original Petition No.17626 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.17626 of 2023

S.P.Senthil Kumar,
S/o.P.Pandurangan

...Petitioner

Vs

1. The Inspector of Police,
CCB – I, Greater Chennai City Police,
Egmore, Chennai.

2. Mr.Dilli Babu

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, praying to call for the records relating to the FIR in Crime No.171 of 2023 under Sections 465, 467, 468, 471, 120 B r/w 34 of IPC on the file of the 1st respondent Police and quash the same as far as the petitioner is concerned.

For Petitioner : Mr.Adinarayana Rao
For Respondent : Mr.A.Damodaran
Additional Public Prosecutor [R1]



ORDER

This petition has been filed seeking to quash the First Information Report in Crime No.171 of 2023 on the file of the first respondent.

2. Heard Mr.Adinarayana Rao, learned counsel appearing for petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor appearing for first respondent.

3. The case of the prosecution is that the subject property in S.No.310/1 measuring an extent of 87 cents originally belonged to Late Munnusamy Naidu as per Patta No.849. The second respondent alleges that the patta for the land was clandestinely transferred in the name of one Duraivelu along with others and taking advantage of the same, they have created fake documents. Based on those documents and the fake patta, a power of attorney was executed in favour of the petitioner in the year 2018.

4. The petitioner thereafter has developed a lay out and in turn plots were sold to third parties. There are totally four accused persons shown in the FIR and the petitioner has been arrayed as A3.



5. The materials available before this Court shows that the petitioner apart from developing the subject property has also developed lay out in three other properties in his capacity as power of attorney agent obtained from the concerned owners of the respective properties. In view of the same, it may not be necessary to treat the petitioner as an accused at this stage in the FIR. It is left open to the Investigation Officer to record the statement from the petitioner under Section 161 of Cr.P.C. along with other relevant materials.

6. On completion of investigation, if there are incriminating materials available against the petitioner, he can always be added as an accused in the final report.

Accordingly, this Criminal Original Petition is disposed of in the above terms.

11.08.2023

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
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N.ANAND VENKATESH, J

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To

1. The Inspector of Police,
CCB – I, Greater Chennai City Police,
Egmore, Chennai.
2. The Public Prosecutor,
High Court, Madras.

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