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Crl.O.P.No.20818 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2023

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.20818 of 2019

and

Crl.M.P.No.10695 of 2019

Mrs.Lalitha Chidambaram

... Petitioner

Vs.

1.State by:-

The Inspector of Police,
Central Crime Branch,
Vepery, Chennai - 600007.

2. A.Umayal

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code seeking to call for the records in C.C.No.365 of 2015 on the file of Judicial Magistrate, Alandur and quash the same.

For Petitioners : Mr.S.M.Murali Dharan

For Respondents : Mr.A.Damodaran, Addl. Public Prosecutor
for R.1

: No appearance [R.2.]



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ORDER

This petition is filed to quash the final report for the alleged offence under Sections 419, 420, 468 and 471 IPC.

2. It is alleged in the final report that the de facto complainant while leaving for Malaysia for a job had entrusted the original documents of title relating to her property at Plot No.182 in Survey No.213/114/AC at Thorapakkam Village, Saidapet Taluk to her brother-in-law/A.1; that A.1 with the help of others committed the offence of impersonation and sold the property to A.4, the petitioner herein.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent purchaser and bought the property in the year 1993. She was not aware of the alleged impersonation made by A.1 while executing the sale deed. She had paid valid consideration for the property and she is in possession of the property ever since she purchased the property. The impugned complaint was lodged nearly 11 years after the sale was made in 2004. The petitioner is only a victim, even if the allegation of



impersonation is true. Hence, he prayed for the quashing of the complaint as against the petitioner.

4. The learned Government Additional Public Prosecutor submitted that the de facto complainant had admittedly handed over the documents to A.1, her brother-in-law; that though there is no evidence to show that the petitioner was a party to the alleged impersonation made by A.1 while executing the sale deed, the petitioner's involvement in this offence in any other manner has to be adjudicated only before the Trial Court and prayed for the dismissal of the quash petition.

5. This Court finds that the allegation is that A.1 with the help of a third person had impersonated the de facto complainant and sold the property for consideration to A.4, in the year 1993. There is nothing in the impugned final report to show that A.4 was a party to the alleged impersonation. In fact, A.4 had paid valid consideration to purchase the property and she has been in possession ever since she purchased the property. In the absence of any material to show that A.4 was aware of the alleged impersonation by A.1, she cannot be prosecuted along with the



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other accused. The petitioner is only a victim in that transaction. Hence, the impugned final report as against the petitioner alone is liable to be quashed and hence the final report is quashed.

6. Accordingly, the Criminal Original Petition stands allowed. Consequently, the connected Miscellaneous Petition is closed.

06.04.2023

Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No
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To

1. The Inspector of Police,
Central Crime Branch,
Vepery, Chennai - 600007.
2. The Judicial Magistrate, Alandur.



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SUNDER MOHAN. J,

shr

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