



Crl.O.P.Nos.21975 & 24371 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2023

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.O.P.No.21975 of 2021 & Crl.M.P.Nos.11921 & 11922 of 2021
and
Crl.O.P.No.24371 of 2021 & Crl.M.P.Nos.13425 & 13426 of 2021

Crl.O.P.No.21975 of 2021

1.Thangavadivu
2.V.S.Babu
3.S.Prabhu
4.Dr.Shantini

...

/vs/

Petitioners

1.State Rep.by
The Inspector of Police,
CCB – Team 25,
Land Grabbing Cell-Section II,
Veppery, Chennai – 600 007.

2.K.Sudha

...

Respondents

Crl.O.P.No.24371 of 2021

R.Kosalram Pandiyan

...

VS.

Petitioner

1.State Represented by,
The Inspector of Police,
Central Crime Branch-II, Team-25,
Anti land Grabbing special Cell,
Veperry, Chennai – 600 007.

2.Sutha

...

Respondents



Crl.O.P.Nos.21975 & 24371 of 2021

COMMON PRAYER : The criminal original petition has been filed under Section 482 of Cr.P.C. to call for records in C.C.No.114 of 2021 on the file of the Learned Judicial Magistrate No.1, Kancheepuram and quash the same.

For Petitioner in Crl.O.P.No.21975/2021	...	Mr.N.R.Elango Senior Counsel for Mr.Aruna Elango
For Petitioner in Crl.O.P.No.24371/2021	...	Mr.R.Vivekananthan
For Respondent No.1 in both Crl.O.Ps.	...	Mr.L.Baskaran Government Advocate (Crl.side)
For Respondent No.2 in both Crl.O.Ps.	...	Mr.Guru Dhananjay for Mr.Bhagavath Krishnan

COMMON ORDER

Since the parties and facts are one and the same, common order has been passed in both the criminal original petitions.

2.Challenging the criminal proceedings in C.C.No.114 of 2021 on the file of the Learned Judicial Magistrate No.1, Kancheepuram, the two criminal original petitions have been filed.



WEB COPY 3.The respondent police registered a case in crime No.122 of 2019 on 17.06.2019 in pursuance of the complaint given by the second respondent for offences punishable under Sections 465, 468, 471 & 34 IPC. After investigation, the respondent police filed a final report before the Judicial Magistrate Court No.I, Kancheepuram, now it is pending.

4.The learned counsel appearing for the petitioners in both the cases submitted that the power of attorney executed by R.Kosalram Pandiyan, R.Karthikeyan and R.Krishna Kumar is not disputed. At the time of execution of Power of attorney in favour of Swaminathan and Thangavadivu in the year 2004, they received the entire sale consideration of the property, a sum of Rs.17,76,222/-. Therefore, no wrongful loss have been committed by any of the accused persons.

5.Further, the learned counsel for the petitioners submitted that in this aspect, the investigation officer has not filed any statement of witnesses for payment of sale consideration at the time of execution of power of



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attorney. The only witness examined by the investigation officer is Mahesh Balu to the sale deed executed by Swaminathan and Thangavadivu.

6.The learned counsel appearing for the second respondent in both cases submitted that as per the clause 10 of the power of attorney, no consideration is received for executing this power of attorney deed. Under these circumstances, opposed the contention that the entire sale consideration had been paid at the time of execution of power of attorney. Under these circumstances, it is warranted to further investigate whether sale consideration of Rs.17,76,222/- has been paid for execution of power of attorney to the principal R.Kosalram Pandian, R.Karthikeyan and R.Krishna Kumar.

7.The learned Government Advocate (Crl.side) appearing for the first respondent in both cases submitted that they are ready to further investigate in this aspect alone.



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8. In view of the above submissions made by the learned counsel for the parties, the first respondent Inspector of Police is hereby directed to make further investigation and to collect material with regard to the payment of sale consideration of Rs.17,76,222/- to the principal of Power of Attorney namely, R.Kosalram Pandian, R.Karthikeyan and R.Krishna Kumar and to file supplementary final report before the trial Court and the trial Court is hereby directed to stay criminal proceedings till the filing of the supplementary final report in this regard. After filing of the supplementary final report, the trial Court may further proceed the case and dispose of it on merits.

With the abovesaid directions, these criminal original petitions are closed. Consequently, connected miscellaneous petitions are also closed.

Index : Yes/No
Internet : Yes/No
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WEB COPY

- 1.The Inspector of Police,
CCB – Team 25,
Land Grabbing Cell-Section II,
Veppery, Chennai – 600 007.
- 2.The Learned Judicial Magistrate No.1,
Kancheepuram.
- 3.The Public Prosecutor,
High Court, Madras.

V.SIVAGNANAM,J.



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