



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.10.2023

CORAM :

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

Crl.O.P.No.22303 of 2023

&

Crl.M.P.No.15497 of 2023

RM Chinnaya Ambalam

... Petitioner

-VS-

1. The State Rep by
The Inspector of Police
Central Crime Branch – I
EDF-III, Team XXI-A
Egmore, Chennai

2. Rajesh Kesavan

...Respondents

PRAYER : Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the records in Cr.No.150 of 2022 pending on the file of the 1st respondent and quash the same.

For Petitioner

: Mr..Krishna Ravindran
for Mr. J. Jawahar

For Respondent

: Mr.S.Udaya Kumar, for R1
Government Advocate (Crl.Side)
Mr.S.Suresh for R2



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ORDER

The petitioner herein is shown as first accused in the complaint given by one Rajesh Kesavan. The petitioner wants to quash the said complaint translated in the FIR in Cr.No.150 of 2020.

2. The brief background of the complaint is that one Uma Ramanathan owned a prime property in Kilpauk, for which, she appointed the petitioner as a Power of Attorney. Based on the Power of Attorney Deed, the petitioner herein has entered into an agreement with the complainant Rajesh Kesavan, who is the 2nd respondent herein. 1.10 crores has been transferred to the account of the petitioner, pursuant to the three bank transfers and remaining amount of 1.4 cores by cash.

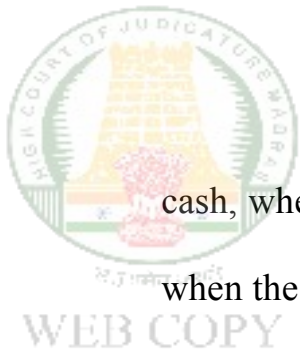
3. Pursuant to the sale agreement letter, the owner of the property and the second respondent decided to execute a sale deed directly and therefore the Power of Attorney Deed executed in favour of the petitioner has been cancelled on the same day when the sale deed entered into between the erstwhile owner Uma Ramanathan and the 2nd respondent.



11.04.2023. Whereas, the petitioner herein is known as first accused in the complaint seeks to quash the complaint on the ground that he was Power of Attorney for Uma Ramanathan and before selling the property to the 2nd respondent, she cancelled the Power of Attorney executed in favour of the petitioner. At the time of sale itself, the money transferred was received as advance were all taken into consideration and sale deed was duly executed and possession was handed over to the complainant and thereafter, Uma Ramanathan who sold the property also died.

7. As a power agent, the petitioner stood as a mediator before the sale transaction and he has no role for overt act in the alleged transactions and he is not a party to the MOU dated 11.04.2023 entered between the 2nd respondent and the legal heirs of Vijayakumar or tri-partite agreement dated 13.06.2023 entered between the complainant and legal heirs of Vijayakumar and Vairavan Ramanathan who is the sole legal heir of Uma Ramanathan.

8. The learned counsel appearing for the 2nd respondent has filed counter narrating the background of complaint and also submitted that he having agreed to pay 2.4 crores to the legal heirs of Vijaya Kumar and had already paid a part of 75 lakhs. He is responsible and liable to pay the balance amount to the legal heirs of Vijaya Kumar, which infact, received by this petitioner by



cash, when he entered into an agreement for sale with the defacto complainant, when the power of attorney was in force.

9. This court put a pertinent question to the counsel for the 2nd respondent whether when his client entered into an agreement with the legal heirs of Vijayakumar, the receipt of Rs.1.1 crore was disclosed in the MOU entered with the legal heirs of Vijayakumar and whether that fact reflects in the agreement entered with Vairavan Ramanathan, the answer was in negative.

10. Again when this court questions whether there is any title dispute pending as on date when the MOU dated 11.04.2023 entered with legal heirs of Vijaya Kumar and tri-partite agreement dated 13.06.2023 entered between the 2nd respondent, the legal heirs of deceased Vijaya Kumar and legal heir of deceased Uma Ramanathan, again the answer was in negative. Therefore the ingredient to investigate the alleged cheating or forgery or any crime as stated in the FIR has no existence.

11. As far as this petitioner is concerned, he was the power of attorney of Uma Ramanathan. When the 2nd respondent purchased the property directly from Uma Ramanathan, the petitioner was no more the agent of Uma Ramanathan. Uma Ramanathan died and the suit between Vijayakumar and Uma Ramanathan got abated on the death of both the plaintiff and defendant.



Title is now perfectly vested with the 2nd respondent and if at all, any third party tries to interfere with his peaceful possession, it is open to the petitioner to proceed against them and not against this petitioner who has nothing to do with the sale of the property or the subsequent MOU or the tri-partite agreement. Therefore, this Criminal original petition is allowed and the case against this petitioner in Crime No.150 of 2022 is quashed. Consequently, the connected miscellaneous petition is closed.

06.10.2023

Internet : Yes/No
Index : Yes/No
msr

To

1. The Inspector of Police
Central Crime Branch – I
EDF-III, Team XXI-A
Egmore, Chennai
2. The Public Prosecutor,
Madras High Court, Madras.



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Dr.G.JAYACHANDRAN, J.
msr

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