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Crl.O.P.No.6094 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.6094 of 2024
& Crl.M.P.Nos.4450 & 10344 of 2024

1. Kumaravel.
2. Amudha.
3. Bharathi.

... Petitioners/Accused 1 to 3

/versus/

1. The Inspector of Police,
Ammamet Police Station,
Salem City.
(Crime No.1498 of 2023).

... Respondent/Complainant

2. Kirubalakshmi.

... Respondent/defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleased to call for the records in Crime No.1498 of 2023 on the file of the Inspector of Police, Ammapet Police Station, Salem City and quash the same, to secure ends of justice to prevent of abuse of process of law.

For Petitioner : Mr.B.Vasudevan

For R1 : Mr.S.Udaya Kumar,
Government Advocate (Crl.Side)

For R2 : Mr.Prasanth Narayanan



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ORDER

This Criminal Original Petition is filed to quash the F.I.R in Crime No.1498 of 2023 on the file of Inspector of Police, Ammapet Police Station, Salem.

2. This Court, at the time of admission satisfied that it is a civil dispute, therefore stay of investigation of the case was ordered. The defacto complainant has filed application to vacate the stay stating that there is a *prima facie* material available to investigate the case of cognizable offence.

3. The brief facts of the complaint is that the property measuring about 1 acre and 10 cents which stood in the name of one Thiagarajan was settled in favour of his wife Kirubalakshmi on 06.08.2021. Few days later, the said Kirubalakshmi, who is the defacto complainant has alienated around 28 ½ cents of land to 2nd accused/Amudha, wife of Kumaravel. This sale deed was executed on 12.08.2021 and thereafter, for the remaining land measuring about 81 ½, the said Kirubalakshmi has executed a Power of Attorney deed dated 13.08.2021 in favour of the Kumaravel and on the strength of the said Power of



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Attorney, Kumaravel has executed the sale deed in favour of his wife/Amudha on 04.08.2022 for consideration of Rs.40 lakhs. While record speaks so, the complainant alleges that the accused Kumaravel and his wife/Amudha are her relatives. Since her husband is visually challenged, to meet out his medical expenses, she borrowed around Rs.12.5 lakhs from said Kumaravel. For discharging the debt under the protest of raising loan, the sale deed dated 12.08.2021 and the Power of Attorney deed dated 13.08.2021 was obtained and thereafter, without her consent and knowledge, the balance 81 ½ cents of land was alienated to Amudha by Kumaravel. The Power of Attorney deed obtained by misrepresentation been misused with criminal intention of cheating.

4. The Learned Counsel appearing for the petitioner in CrI.O.P.No.6094 of 2024 submitted that the complaint is clear case of abuse of process of law. A civil transaction of the property been given criminal colour to extract money. While the defacto complainant had alienated the property after receiving due consideration initially, gave a complaint to the police and same was closed as civil dispute. Again she forwarded the complaint to Deputy Superintendent of Police that was also enquired and closed and later she gave complaint to the District Registrar questioning the registration of the Power of



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Attorney and the sale deed, that was also enquired and closed. While so, the third complaint to the Commissioner of Police was forwarded to the Sub-Inspector of Police, for investigation and same been registered in Crime No.1498 of 2023. It is a clear case of Forum Shopping by repeatedly giving complaint to one Officer and another in spite of closure of the complaint as mistake of fact, after due investigation.

5. This Court, after considering the submissions made by the Learned Counsels and on perusal of the record finds that the sale deeds and Power of Attorney apparently does not disclose any misrepresentation or element of cheating. However, it is appropriate for the police to investigate the matter thoroughly in the manner known to law and conclude the investigation based on the information and material collected since the complainant alleges that she was not paid with the sale consideration and the Power of Attorney was obtained in favour of Kumaravel by misrepresentation.



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6. With the above observation, this ***Criminal Original Petition is disposed of.*** The respondent police shall complete the investigation within a period of two months and file final report. The investigation may be supervised by the Assistant Commissioner of Police, Salem. Consequently, connected Miscellaneous Petitions are closed.

23.07.2024

Index : Yes/No
Neutral Citation : Yes/No
bsm

To,

1. The Inspector of Police, Ammapet Police Station, Salem City.
2. The Public Prosecutor, High Court, Madras.



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Dr.G.JAYACHANDRAN,J.

bsm

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