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Crl.M.P.No.5985 of 2024

in

Crl.O.P.No.1361 of 2024

Dr.G.JAYACHANDRAN, J.

Criminal complaint is under investigation on the allegation that based on the cancelled Power of Attorney, property of the complainant been transferred and the petitioners Elango, Bharath and Chandran/A6 to A8 had purchased the property based on the forged documents.

2. It is now stated that this fact which is found in the complaint dated 15.11.2023 in Crime No.750 of 2023 date back to the Power of Attorney dated 15.10.2004 cancellation deed dated 22.09.2016 vis a vis sale deed in favour of the petitioners on 17.12.2004. The petitioners are arrayed as Accused 6, 7 & 8.

3. This Court on perusing the records earlier granted interim stay of investigation on the premise that a similar complaint earlier filed, same was quashed by the Hon'ble Supreme Court in SLP(Crl.).No.1830 of 2021 vide order dated 08.09.2022.

4. The learned counsel appearing for the petitioners submitted that



the alleged sale agreement dated 27.02.2004 which is genesis for the transfer of property itself a forged documents, wherein, the stamp paper been manipulated and the signature been forged. This fact come to light only after filing the suit declaring the sale deed null and void, in which, the 1st accused filed written statement disclosing how the property been alienating and tracing the title.

5. It is now brought to the notice of this Court that the civil suit which was allowing the application to reject the plaint by the trial Court challenged before the High Court in A.S.No.310 of 2022 and the same was allowed on 03.01.2023 directed the trial Court to take the plaint on file and proceed. However, the said order passed by the High Court is now been stayed by the Hon'ble Supreme Court in SLP.No.9474 of 2023 vide order dated 08.05.2023 as it stands now the civil suit for declaration and permanent injunction initiated by the complainant stayed by the Hon'ble Supreme Court.

6. The complaint as such pegged on alleged forgery and preparing false documents namely the sale agreement dated 27.02.2004 will gain



significance only if the sale deed in favour of the petitioner namely Elango, Bharath and Chandran dated 17.12.2004 declared as null and void. For that, the complainant herein has to wait till the disposal of the SLP will stay of all the further proceedings in O.S.No.610 of 2019 on the file of the V Additional District Judge, Coimbatore. Hence the petition to vacate the interim stay is disposed of.

15.04.2024

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