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Crl.OP.No.8461 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.OP.No.8461 of 2024
and
Crl.MP.Nos.6182 and 6183 of 2024

A.Anitha

... Petitioner

Vs.

1. The Inspector of Police,
CCB, Salem City,
Cr.No.8 of 2012.

2. N.Govindammal

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records with respect to CC.No.6372 of 2023 on the file of Judicial Magistrate-II, Salem and quash the same.

For Petitioner : Mr.R.Nalliyappan

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

: No appearance for R2



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ORDER

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This Criminal Original Petition is filed to quash C.C.No.6372 of 2023 on the ground that the case initiated by Govindammal D/o.Nalliappa Gounder, purely the dispute is civil in nature between the son and two daughters of Nalliappa Gounder pertaining to the peace of property which Nalliappa Gounder earlier appointed his son Asokan as power of attorney to deal with . Based on that power of attorney, Asokan had sold the property to the petitioner herein and the civil dispute also pending between the parties and therefore the same has to be quashed.

2. The learned Government Advocate (Crl.Side) appearing for the respondent police on instructions from the investigating officer submits that one Nalliappa Gounder had initially settled his property in favour of his two daughters Govindammal (defacto complainant) and Kalai Selvi. His son Asokan had created a false power of attorney deed and based on the said attorney, he had transferred the property fraudulently in favour of his daughter and her friend. These fraudulent transfer was done pursuant to the conspiracy hatched by Asokan, his wife namely Jeyalakshmi, his daughter namely Anitha and Vasantha who is friend of



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Anitha. The investigation disclosed that the general power of attorney dated 25.01.1995 which is relied by Asokan to transfer the property in favour of his daughter and another itself a forged document and further more knowing that Nalliappa Gounder had transferred general power of attorney on 05.10.2005 and settled it in favour of his two daughters i.e., Govindammal (defacto complainant) and Kalai Selvi.

3. This Court finds that a clear case of transfer of property in the name of this petitioner by her father who himself had no title and right to transfer.

4. In the said circumstances, it cannot be construed as a civil dispute. Hence the criminal original petition to quash is dismissed. Consequently, the connected miscellaneous petitions are closed.

20.06.2024

Vv



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WEB COPY To

1. The Judicial Magistrate-II,
Salem
2. The Inspector of Police,
CCB, Salem City
3. The Public Prosecutor,
High Court of Madras,
Chennai.



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Dr.G.JAYACHANDRAN,J.

Vv

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