



WEB COPY



Crl.O.P.No.11025 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2024

CORAM

THE HONOURABLE DR.JUSTICE **G.JAYACHANDRAN**

Crl.O.P.No.11025 of 2024

and

Crl.M.P.Nos.7535 & 7536 of 2024

Suresh

... Petitioner

Vs.

1.The State rep.by
The Inspector of Police,
Central Crime Branch III, Team 23 A,
Land Grabbing Investigation Wing-II,
Vepery,
Chennai-600 007.

2.Makesh

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to call for the records relating to the criminal proceedings made in C.C.No.7141 of 2023 in Crime No.124 of 2022 on the file of the Hon'ble CCB & CBCID Metropolitan Magistrate Court, Egmore, Chennai and quash the same.

For Petitioner : Mr.B.Ganesha Moorthy

For R1 : Mr.K.M.D.Muhilan
Government Advocate (Crl.Side)



CrI.O.P.No.11025 of 2024

ORDER

WEB COPY The petitioner herein, who is arrayed as accused in a case where the property of one Usharani died in the year 1999, was grabbed by creating false documents and by impersonating her, executed a sale deed in favour of Rajinikanth. The said Rajinikanth has given a power of attorney to the petitioner in order to alienate the property to some other person and make money. The confession statement of the accused persons reveals the complacent of this petitioner in the crime and by conspiring with the accused persons, he grabbed the land of the deceased Usharani.

2. The learned counsel appearing for the petitioner submits that the petitioner had advanced loan to one Rajinikanth to the tune of Rs.20,00,000/-. When he sought return of loan amount, Rajinikanth executed power of attorney in favour of the petitioner authorising him to alienate the property and adjusted the loan amount. After came to know about the fraudulent documentation, the power of attorney executed in his favour was cancelled and the petitioner submits that he has no role in the alleged crime and he has in fact lost his money to Rajinikanth.



Crl.O.P.No.11025 of 2024

3. However, the learned Government Advocate (Crl.Side) appearing for the respondent police submits that the statements recorded during the course of investigation and the confession statement of the petitioner herein would clearly show that the impersonation, falsification of record and transfer of property in the name of Rajinikanth was done in connivance and due knowledge of this petitioner and therefore, the petitioner cannot be exonerated from the crime just for the reason he has cancelled the power of attorney in his favour.

4. The learned counsel appearing for the petitioner submits that out of 7 accused, 4 are absconding and the case has been split up against the 3 accused and taken on file in C.C.No.7141 of 2023, on the file of the Metropolitan Magistrate Court- CCB & CBCID, Egmore, Chennai.

5. Considering the submissions made by the learned counsel for the petitioner, the Court below shall complete the trial without adjourning the matter unnecessarily and if any petition is filed for dispensation with the appearance of the petitioner, same may be considered in accordance with law.

