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CrI.O.P.No.16024 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CrI.O.P.No.16024 of 2024

Giri Prakash.

... Petitioner/Accused 4
/versus/

1. The State Represented by,
Inspector of Police,
Team – 26, Anti Land Grabbing, CCB Police,
Vepery, Chennai – 7.
Crime Number 366 of 2020.

... Respondent /Complainant.

2. Mr.G.Selvam.

... Respondent 2/Defacto
Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records on the file of the 1st respondent in C.C.No.1023 of 2024 dated 21.03.2024 in Crime No.366/2024 dated 31.12.2020 pending before the Hon'ble Metropolitan Magistrate for exclusive trial of CCB CBCID metro case, Egmore and quash the same against the petitioners herein.

For Petitioner : Mr.V.Karthikeyan,
for Mr.J.Jayavenkathraman

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

For R2 : No appearance



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ORDER

This Criminal Original Petition is filed to quash the final report against this petitioner, who is arrayed as A4 and his overt act as found in the final report is that he had obtained a power of attorney in respect of the disputed property from one Ragu/A1, who had in fact fabricated a document in connivance with his friend Arumugam/A2 and his wife Bakiyalakshmi and created a title deed by impersonating as Selvam, the original owner of the property and even the power to the petitioner herein to deal with the property. In fact, the power of attorney is coupled with interest, a sum of Rs.25 lakhs been obtained from this petitioner/A4 by Ragu (A1).

2. The case of the prosecution is that the property of Selvam and Bakiyalakshmi, was grabbed by creating forged document and in the course of alienating the property by impersonation, this petitioner had obtained power of attorney from A1 & A2. A1 has entered into a joint venture agreement with A4 to promote the said land and therefore, the involvement of the petitioner in connivance with A1 to grab the property of the de facto complainant is explicitly established through documents.



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3. The Learned Counsel appearing for the petitioner submits that

the petitioner is an innocent NRI who wants to invest his money and believing the words of A1, had parted away a sum of Rs.25 lakhs and got the power of attorney without perusing the original title deed. After being arrested and came to know about the fraud committed by A1, at the cost of losing his money, he had cancelled the Power of Attorney executed in his favour.

4. Further, the Learned Counsel submits that the petitioner is the bonafide proposed buyer of the property and once he came to know about the fabrication of the document, he has cancelled the power of attorney.

5. The counter filed by the Investigating Officer narrates the involvement of this petitioner in the transaction. The prime accused are one Ragu (A1) and Arumugam (A2). The said Arumugam is the impersonator of Selvam. The fabrication of documents has been done with the connivance and assistance of A3 Kumaresan, who is the cousin of A1 Ragu.

6. As far as A4/petitioner is concerned, the deed of power of attorney in his favour is executed by A1. A1 and A4 have entered into joint



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venture with Thulasi Happy Homes (owned by this petitioner) for constructing flats and promoting the land.

7. The counter filed by the Investigating Officer as well as the final report and the statement along with the documents indicate that fabrication of documents alleged to have been created by A1 to A3 as early as 21.04.2003. The power of attorney in favour of this petitioner been executed by A1 on 22.07.2020 after receiving the consideration of Rs.25 lakhs. Thereafter, the petitioner along with A1 had entered into a joint venture agreement. The power of attorney been cancelled by this petitioner as per the undertaking given by him while obtaining bail.

8. The Learned Counsel for the petitioner submits that the prime perpetrators of the crime are still at large. Whereas the petitioner herein who is an innocent investor without knowing the fraudulent and forgery documents is facing trial. The records, as narrated above, indicate that this petitioner/Giri Prakash had no role in the scheme of crime.



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9. Accordingly, this *Criminal Original Petition is Allowed*. The complaint in C.C.No.1023 of 2024, dated 21.03.2024 on the file of Metropolitan Magistrate for exclusive trial of CCB CBCID metro case, Egmore is hereby quashed.

03.10.2024

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

To:

1. The Metropolitan Magistrate for exclusive trial of CCB CBCID metro case, Egmore.
2. The Inspector of Police, Team – 26, Anti Land Grabbing, CCB Police, Vepery, Chennai – 7.
3. The Public Prosecutor, High Court, Madras.



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Dr.G.JAYACHANDRAN,J.

bsm

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