



Crl.O.P.No.17290 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.17290 of 2024

and

Crl.M.P.Nos.10354 & 10355 of 2024

Catherine Mary Nalini

.. Petitioner

/versus/

1.The State,
Rep.by its Inspector of Police,
Forgery Team,
Central Crime Branch, Avadi,
Chennai 600 054.

2.K.Gandhi

.. Respondents

Criminal Original Petition has been filed under Section 482 of Cr.P.C., to call for the entire records pertaining to the C.C.No.118 of 2024 pending on the file of the learned Judicial Magistrate No.1, Poonamallee and quash the same by allowing the Criminal Original Petition against the petitioner concerned.

For Petitioner :Mr.G.Saravanan

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



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ORDER

This petition is filed to quash the charge sheet in C.C.No.118 of 2024 on the file of the Judicial Magistrate No.1, Poonamallee, on the ground that the accusation against the petitioner herein for the offence under Sections 465, 468, 471, 420 r/w 109 of IPC is not sustainable, since the petitioner, who is arrayed as A5, is wife of the A4, who purchased the property from A3, who is the power of attorney holder of one Vijaya Lakshmi. Later, she along with her husband has raised loan jointly based on the sale deed.

2.According to the learned counsel appearing for the petitioner, even assuming the transaction of the property was based on the fabricated documents, this petitioner has nothing to do with the transfer of property, so she cannot be arrayed as an accused for her role in raising the loan along with A4.



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3.The learned Government Advocate (Crl.Side) appearing for the first respondent submitted that the property stands in the name of Vijayalakshmi, for which the third accused got power of attorney. Based on the power of attorney and the life certificate given by the Doctor Saravanan at K.K.Nagar, sale deed was executed in favour of A4 on 03.09.2014. Thereafter, A4 and A5 jointly mortgaged the property and raised loan. On the complaint given by the husband of Vijayalakshmi, the case was registered since the power of attorney was obtained from Vijayalakshmi on the false representation and furthermore, the property was sold by A3 as power agent of Vijayalakshmi to A4, in turn A4 and A5 jointly raised loan on the property. The investigation also discloses that the said Vijayalakshmi died on 15.08.2017. Only thereafter, her husband came to know about the illegal transfer of the property and hence, he has given the complaint.

4. This Court, on perusing the records and on hearing the learned counsel appearing for the petitioner and the learned Government



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Advocate (Crl.Side), finds that the material placed *prima facie*ly discloses commission of cognizable offence. However, whether the involvement of this petitioner herein, with *mens rea* to be party to the crime as alleged made out or not made out is for the trial Court to appreciate before framing charge from the material placed by the prosecution along with the final report.

5. This Court is not inclined to examine and probe whether sufficient material is available to frame charge against this petitioner. It is left open to the Judicial Magistrate No.1, Poonamallee, to examine the materials and frame appropriate charge against the appropriate accused.

6. With the above observations, this Criminal Original Petition is disposed of. Consequently, connected Miscellaneous Petitions are closed.

23.07.2024

Index:yes/no
Speaking order/non speaking order
Neutral Citation:yes/no



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To:

1. The Judicial Magistrate No.1, Poonamallee.
2. The Inspector of Police, Forgery Team, Central Crime Branch, Avadi, Chennai 600 054.
3. The Public Prosecutor, High Court, Madras.



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DR.G.JAYACHANDRAN,J.

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