



CrI.O.P.No.22194 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2024

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CrI.O.P.No.22194 of 2022

and

CrI.M.P.No.14317 of 2022

Jamela

... Petitioner

Versus

1. State rep. by
Inspector of Police,
Gudalur Police Station,
The Nilgiris.
(Crime No.138 of 2022)

2. Chelladurai

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to F.I.R. in Crime No.138 of 2022 on the file of 1st respondent and quash the said F.I.R.



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For Petitioner : Mr.J.Franklin
For Respondents : Mr.S.Vinoth Kumar,
Govt. Advocate (Crl. Side) for R1
Mr. M.P.Raja Velayutham for
Mr.S.Draisamy for R2

ORDER

This Criminal Original Petition has been filed seeking to quash the F.I.R. in Crime No.138 of 2022 on the file of 1st respondent police.

2. Heard both sides.

3. The petitioner herein is the accused in the F.I.R. in Crime No.138 of 2022 registered for an offence under Sec.3 and 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003 based on the complaint given by the 2nd respondent/defacto complainant.

4. The leaned counsel for petitioner would submit that she is the power of attorney of 2nd respondent/defacto complainant Chelladurai and based on that power of attorney, she executed a sale deed in favour of her



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daughter on 12.04.2016 and entire sale consideration was received by the 2nd respondent/defacto complainant Chelladurai. But contrary to the terms, now the 2nd respondent/defacto complainant given a false complaint that he borrowed only loan amount and not executed any sale deed nor power of attorney against the terms of sale deed. Hence, he prayed to quash the proceedings against the petitioner.

5. The learned counsel for 2nd respondent/defacto complainant would submit that only the power of attorney was given as a security for loan transaction, but the petitioner taking advantage of power of attorney, immediately transferred the property in favour of her daughter and no consideration was paid as stated in the document, thereby he was cheated by the petitioner. In fact, he is a retired teacher and he was put to harassment by the accused. Hence, he raised strong objections.

6. By way of reply, the learned Government Advocate (Criminal side) appearing for 1st respondent would submit that it is a case of cheating and it needs detailed investigation.

7. On perusal of records, it reveals that the 2nd respondent/defacto complainant is a retired teacher and gave a power of attorney to the



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petitioner. Immediately, she executed a sale deed in favour of her daughter and there is no materials placed by the petitioner that the sale consideration was paid to him. So, it needs detailed investigation. Hence, I do not find any irregularity in the F.I.R. registered against the petitioner and this Court is not inclined to quash the proceedings against her. Accordingly, this Criminal Original Petition is dismissed as no merit. Consequently, connected Criminal Miscellaneous Petition is closed.

12.01.2024

Index: Yes/No
Internet: Yes/No
rpp

To

1. Inspector of Police,
Gudalur Police Station,
The Nilgiris.
2. The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI, J.

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