



Crl.O.P.No.22874 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2024

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.22874 of 2022

and

Crl.M.P.Nos.14677 & 14678 of 2022

Sankareshwaran

... Petitioner

Vs.

1.The State rep by
The Inspector of Police
District Crime Branch
Kancheepuram District
(Cr.No.23 of 2019)

2.Sonalishah

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., praying to call for the records relating to the Calendar Case in C.C.No.17 of 2021 on the file of the learned Judicial Magistrate - II, Chengalpattu and quash the same in so far as the petitioner is concerned.



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For Petitioner : Mr.G.Mageshkumar

For R1 : Mr.S.Vinoth Kumar
Government Advocate (Crl. Side) - R1

ORDER

The petitioner has filed this Criminal Original petitions to quash the proceedings in C.C.No.17 of 2021 on the file of the learned Judicial Magistrate - II, Chengalpattu, in which cognizance was taken for the offence punishable under Sections 419, 465, 468, 471, 420 and 34 of IPC.

2. The case of the prosecution is that the 2nd respondent bought the property in 1996 via a sale deed documented as No. 1541 of 1996 at the SRO, Thirukazhukundram. By impersonating, the 1st accused created a Power of Attorney in favor of A2, who in turn deceived the other accused by selling the lands in parts. One part, extending to 3.94 acres, was bought by this petitioner via a sale deed dated 23.08.2017, documented as No. 2765/2017 at the SRO, Thirukazhukundram.



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3. The learned counsel for the petitioner submitted that the petitioner is an innocent purchaser and was falsely implicated in this case. He neither participated in the alleged impersonation nor in the fabrication of the Power of Attorney. Hence, he prayed to quash the proceedings against him.

4. The learned Government Advocate (Crl. Side) appearing for the 1st respondent submitted that, based on the complaint lodged by the defacto complainant, an FIR was registered in Crime No. 23 of 2019 and the case has been taken on file as C.C.No. 17 of 2021 on the file of the learned Judicial Magistrate - II, Chengalpattu. There are a total of 11 accused, in which the petitioner is arrayed as A8.

5. Considering the submissions made by both sides' counsels, and noting the prosecutor's objection stating that as of now, the petitioner is the owner of the property, but the sale deed still stands in the name of the defacto complainant, which is also admitted by the petitioner. Therefore, whether he is a bona fide purchaser or colluded with the other accused is to be determined only after the completion of the trial. Hence, this Court



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declines to quash the proceedings in C.C.No. 17 of 2021 on the file of the
learned Judicial Magistrate - II, Chengalpattu.

6. Accordingly, this Criminal Original Petition is dismissed and
Consequently, the connected miscellaneous petitions are closed.

01.03.2024

Speaking Order/ Non Speaking Order
Index: Yes/ No
Neutral Citation: Yes/No

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To
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- 1.The Inspector of Police
District Crime Branch
Kancheepuram District
(Cr.No.23 of 2019)
- 2.The Judicial Magistrate - II,
Chengalpattu.
3. The Public Prosecutor,
High Court of Madras.



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T.V.THAMILSELVI, J.

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