



CrI.O.P.(MD) No.15245 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.02.2024

CORAM:

THE HONOURABLE MR. JUSTICE K.K.RAMAKRISHNAN

CrI.O.P.(MD). No.15245 of 2020

and

CrI.M.P.(MD).No.7354 of 2020

Sezhiyan

... Petitioner/1st Accused

Vs.

1. The State

By the Inspector of Police,
Courtallam Police Station,
Tenkasi District.
(Crime No.87 of 2020)

... 1st Respondent/Complainant

2. Kamarutheen

... 2nd Respondent/De-facto Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for records relating to the impugned FIR in Crime No.87 of 2020 on the file of the 1st respondent and quash the same as against the petitioner.

For Petitioner : Mr.D.Venkatesh

For Respondents : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor for R1

: Mr.Niranjan S.Kumar for R2



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ORDER

The petitioner herein has filed this petition to quash the impugned FIR in Crime No.87 of 2020 on the file of the 1st respondent.

2. Case of the Prosecution:

The second respondent is the owner of the property situated in Ayan punja Survey Nos.663/A2B & 696/B1 with an extent of 29.33 cents at Melagaram Village. He purchased the said land on 09.12.2003 by registration of title deed document No.2758/2003. He is said to have executed registered power of attorney deed in favor of one Pulidurai on 25.08.2008. On the basis of the said power of attorney, the said Pulidurai entered into a sale agreement with the petitioner herein and agreed to sell the property on 30.01.2009. Thereafter, the second respondent cancelled the said power deed on 06.10.2009. Subsequently, with the knowledge of the cancellation of the power of Attorney deed, the petitioner is said to have got the sale deed registered from the said Pulidurai on the basis of the cancelled power of attorney deed. Therefore, a complaint was made and a case was registered in Crime No.87 of 2020 for the offence under



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Section 465 of IPC. To quash the same, the petitioner filed this quash petition.

3. The learned counsel for the petitioner submitted that the registration of the case under Section 465 of IPC is not maintainable without following the procedure under Section 155(2) of the Cr.P.C. He also stated that the ingredients of Section 465 of IPC is not made out.

4. The learned counsel for the *defacto* complainant submitted that the investigation is not completed and the investigating agency may add any other provisions. The learned Additional Public Prosecutor, on instructions, submitted that the investigation is not yet completed as on date.

5. This Court considered the rival submissions made by the learned counsel appearing on either side and perused the materials available on record.



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6. There was a material averment in the FIR. The petitioner obtained the sale deed after the cancellation of the power of attorney. In the said circumstances, the allegation requires complete investigation and therefore, at this stage this Court is not entitled to go into the merits of the case and hence, dispose this petition on terms.

7. Accordingly, this Criminal original Petition is disposed of with the following directions:-

(i) The investigating Officer is hereby directed to complete the investigation with in a period of three(3) months from the date of receipt of copy of this Order;

(ii) the petitioner is at liberty to challenge the final report as per law.

consequently, the connected Criminal Miscellaneous Petition is closed.

16.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
sbn



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To

1. The Inspector of Police,
Courtallam Police Station,
Tenkasi District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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K.K.RAMAKRISHNAN, J.

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