



Crl.O.P.(MD)No.16317 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2024

CORAM:

THE HONOURABLE MRS.JUSTICE R. HEMALATHA

Crl.O.P.(MD)No.16317 of 2021

Santha

... Petitioner

vs.

1.State rep. by its,
The Inspector of Police,
District Crime Branch,
Thanjavur District.
(In Crime No.31/2016)

2.A.Haja Mydeen

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to call for the records in C.C.No.118 of 2021 on the file of the Judicial Magistrate No.I, Thanjavur and quash the same as against the petitioner.

For Petitioner : Mr.A.Arunprasad

For Respondents : Mr.M.Sakthi Kumar,
Government Advocate (Criminal Side)
for R1



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ORDER

Seeking to quash the final report in C.C.No.118 of 2021 on the file of the Judicial Magistrate No.I, Thanjavur, the present Petition is filed by the fifth accused.

2. The case of the prosecution in a nutshell is as follows.

2.1. The properties in S.No.324/4 and S.No.324/5 of Nanjikottai Village, Asha Nagar measuring 2400 sq. ft. absolutely belongs to the defacto complainant. He is working in Singapore and taking advantage of this situation, all the accused conspired with each other and in furtherance of the same, Shek Abdullah (A1) executed a power of attorney, by impersonating the defacto complainant, in favour of Parkathnisha (A2), who in turn sold the properties in favour of the present petitioner Santha. She sold the properties in favour of Shek Abdullah (A6) and thereafter, the property went to the hands of Kamala (A7), Grace Mery Thangam (A8) and Edward (A9). According to the prosecution, all these persons even without having the original title deeds had purchased the properties and thereby cheated the defacto complainant.



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2.2. Based on the complaint given by the defacto complainant, the Inspector of Police, District Crime Branch, Thanjavur registered FIR in Crime No.31/2016 against the accused for the offences punishable under sections 419, 420, 423, 465, 468, 471 and 120B IPC. The Inspector of Police after concluding investigation, laid a final report in C.C.No. 118/2021 before the Judicial Magistrate No.I, Thanjavur against the accused for the aforesaid offences.

3. Mr.A.Arunprasad, learned counsel appearing for the petitioner would contend that the present petitioner is aged about 74 years and that she is also a victim of the crime committed by the other accused.

4. Mr.Sakthi Kumar, learned Government Advocate (Criminal Side) would contend that the Police after conducting proper investigation had laid a final report and there are no valid grounds to quash the same.



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5. A perusal of the final report which includes the statements of witnesses recorded by the police under Section 161(3) Cr.P.C., *prima facie* shows that the present petitioner had purchased the properties from A2 in whose favour, power of attorney was executed by A1 by impersonating the defacto complainant. The defacto complainant had never handed over the original documents in respect of the properties in S.No.324/4 and S.No.324/5 of Nanjikottai Village to any of the persons. Normally, a person who purchases the property would insist for the title deeds of the property which include the parent documents. However, in the instant case, the present petitioner did not insist her vendor A2 to hand over those documents and on the other hand, she had sold the properties in favour of A5 and A5 had sold the properties in favour of A6 and at present, the properties are in the hands of A9. Thus, *prima facie*, offences punishable under sections 419, 420, 423, 465, 468, 471 and 120B IPC are made out as far as the present case is concerned. In such circumstances, I do not see any reason to quash the final report.



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6. Accordingly, the Criminal Original Petition stands dismissed.

18.03.2024

NCC: Yes/No
Index : Yes/No
Speaking/Non-Speaking order

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To

- 1.The Judicial Magistrate No.I, Thanjavur.
- 2.The Inspector of Police,
District Crime Branch,
Thanjavur District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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R.HEMALATHA, J.

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