



*Crl.O.P.No.556 of 2024*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 05.03.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.556 of 2024

and

Crl.M.P.No.371 of 2024

1. V.Karthikeyan

2. K.Sundari

3. V.Thanigaivel

4. T.Latha

... Petitioners

Vs

1. State Represented by  
Inspector of Police,  
Arcot Town Police Station,  
Ranipet District.  
(Ref:Cr.No.592/2023 dt:25.11.2023)

2. Sankari

... Respondents

**Prayer:**Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records and quash the First Information Report bearing Crime No.592 of 2023 registered by the respondent Police on 25<sup>th</sup> November 2023 for offences under Sections 420 and 506(I) of Indian Penal Code.



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For Petitioners : Mr.E.Senthil Kumar  
for Mr.M.Raja

For Respondents : Mr.K.M.D.Muhilan,  
Government Advocate (Crl. Side) for R1  
No appearance (for R2)

### **ORDER**

This Criminal Original Petition has been filed to quash the First Information Report in Crime No.592 of 2023 registered by the first respondent Police on 25.11.2023 for offences under Sections 420 and 506(i) of IPC.

2. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) appearing for the first respondent.

3. There is no representation for the second respondent when the matter is called today.

4. The first respondent registered an FIR in Crime No.592 of 2023 for the offences punishable under Sections 420 and 506(i) of IPC on the



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complaint lodged by the second respondent, alleging that on 31.07.1980, the father of the first petitioner died, leaving behind his wife, the petitioners 1, 3, the second respondent and two other daughters as his legal heirs. The properties owned by the deceased father were in joint possession and enjoyment of his legal heirs.

5. While that being so, the second respondent, who is the youngest sister of the first accused, came to know that the joint properties, including her share, were also sold by the first accused by impersonating the second respondent and executing a power of attorney in favour of the first petitioner in respect of all the properties owned by her father. In pursuance of the power of attorney, he sold out the properties, including the share of the second respondent, in favour of the second and fourth petitioners. The power of attorney was executed in the year 1991 and subsequently, the first accused/first petitioner had executed sale deeds vide Document Nos.2650 and 2693 of 2015 in favour of the second accused. Thereafter, on 26.02.2016, on the strength of the power of attorney, the first petitioner had executed another sale deed registered vide Document No.1293 of 2016 in favour of the fourth petitioner, who is the wife of the third petitioner.



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6. The learned counsel for the petitioners would submit that the petitioners are arrayed as A1 to A4. On 22.08.1991, the power of attorney was executed by all the legal heirs of the deceased Vasudeva Mudaliar in favour of the first petitioner herein as their agent to deal with all the properties owned by the said Vasudeva Mudaliar. On the strength of the power of attorney, the first petitioner had executed a sale deed in favour of the second petitioner on 27.04.2015, registered vide Document No.2650 of 2015, and executed another sale deed dated 29.04.2015, registered vide Document No.2693 of 2015. Thereafter, the first petitioner, on 26.02.2016, executed another sale deed in favour of the fourth petitioner, registered vide Document No.1293 of 2016. According to the second respondent, she came to know about the power of attorney only on 18.08.2017 and the first complaint was lodged only on 26.02.2019, before the Superintendent of Police, Vellore.

7. On a perusal of the complaint dated 26.02.2019, it reveals that the first petitioner obtained signatures from all the legal heirs of the deceased Vasudeva Mudaliar in the year 1991 for the purpose of availing a loan for family expenses. Since all the legal heirs were living separately in different



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places, they could not deal with the properties, and as such, the second respondent also signed the document, believing the words of the first petitioner. However, the said document was executed as a power of attorney in favour of the first petitioner to deal with the entire joint family properties, including her share. After completion of the enquiry, it was closed as no cognizable offence was made out.

8. Therefore, the second respondent filed a private complaint before the District Munsif-cum-Judicial Magistrate, Arcot in C.M.P.No.897 of 2020. The learned Magistrate directed the first respondent to conduct an enquiry. After conducting a detailed enquiry, the first respondent closed the complaint and submitted a closure report before the learned Judicial Magistrate. Acceding to the same, the learned Judicial Magistrate dismissed the private complaint. Thereafter, the second respondent filed a suit in O.S.No.28 of 2021 on the file of the Additional District Court, Ranipet for declaration, declaring that the power of attorney and subsequent sale deeds as null and void and also for partition, claiming 1/6th share in the entire properties, along with a permanent injunction and it is pending for adjudication.



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9. Thereafter, the second respondent also filed a protest petition on the closure report filed by the first respondent in CMP. No.2008 of 2021. In the meanwhile, she also lodged another complaint before the Inspector General of Registration as against the registration of sale deeds in favour of the second and fourth petitioners on the strength of the power of attorney. However, no action has been taken, and as such, the second respondent approached this Court in W.P.No.31299 of 2019.

10. This Court, by order dated 25.01.2022, directed the second respondent to submit a fresh representation before the District Registrar, Arakonam. On receipt of the same, the District Registrar was directed to conduct an enquiry and pass orders on merits. The District Registrar conducted a detailed enquiry and dismissed the complaint by concluding that there is absolutely no evidence to show that the power of attorney in favour of the first petitioner was executed by impersonating the second respondent herein. Therefore, the power of attorney cannot be said to be a fraudulent one and the first petitioner was duly appointed as power of attorney to deal with the property. Accordingly, the first petitioner had sold out the properties in favour of the second and fourth petitioners.



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**WEB COPY** 11. Once again, the second respondent filed a direction petition before this Court in Crl.O.P.No.26060 of 2023, suppressing all the above facts, for registration of the First Information Report on the second complaint. As directed by this Court, the first respondent registered the impugned FIR in Crime No.592 of 2023 for the offences punishable under Sections 420 and 506(i) of IPC as against the petitioners herein.

12. Therefore, no offence is made out as against the petitioners as alleged by the second respondent. Already, the District Registrar conducted an enquiry and concluded that there was no impersonation while executing the power of attorney in favour of the first petitioner. In fact, in the first complaint, the second respondent categorically alleged that the first petitioner had obtained signatures from all the family members in the document to avail a loan by mortgaging the subject properties. In the second complaint, she alleged that she never signed any document and she was impersonated and that the power of attorney was executed in favour of the first petitioner. That apart, the first complaint was enquired into as directed by the learned Magistrate and closed as no offence was made out.



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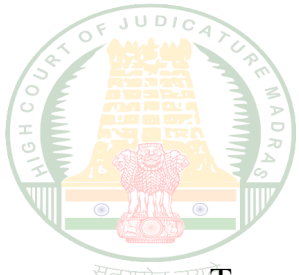
**WEB COPY** 13. In view of the above, the impugned First Information Report cannot be sustained and it is liable to be quashed. Accordingly, the First Information Report in Crime No.592 of 2023 is hereby quashed.

14. In the result, this Criminal Original Petition is allowed. Consequently, the connected Miscellaneous Petition is closed.

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Index : Yes/No  
Neutral citation : Yes/No  
Speaking/non-speaking order

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To  
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1. The Inspector of Police,  
Arcot Town Police Station,  
Ranipet District.
2. The Public Prosecutor,  
High Court, Madras.



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**G.K.ILANTHIRAIYAN. J,**

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