



*Crl.O.P.No.2764 of 2025*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2025

CORAM:

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

Crl.O.P.No.2764 of 2025  
and Crl.M.P.No.1784 of 2025

Ganesh

... Petitioner

Vs.

1. The State Rep by  
The Inspector of Police,  
CCB-I, Chennai.  
Crime No.11 of 2025.

2. Suresh

... Respondents

**PRAYER:** Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records in Crime No.11 of 2025 on the file of the first respondent and quash the same.

For Petitioner : Mr.V.Praksh, Senior Counsel  
For Mr.V.Karnan

For Respondents  
For R1 : Mr.J.R.Archana  
Government Advocate (Crl.Side)  
For R2 : Mr.K.Nirmal Kumar



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## **ORDER**

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This Criminal Original Petition has been filed to quash the FIR in Crime No.11 of 2025 for the offences under Sections 420, 465, 467, 468, 471 r/w.34 of IPC on the file of the first respondent police, as against the petitioner.

2. On the complaint lodged by the second respondent, the first respondent registered the FIR in Crime No.11 of 2025, alleging that the second respondent is one of the owners of the property comprised in survey No.155/6 to an extent of 84 cents situated at Mahalakshmi Nagar, Madipakkam Village, Sholinganallur Taluk, Kancheeputam District. Originally the said property belongs to his grandmother viz., Avaranjiammal, and she purchased the same by the registered sale deed vide document No.1491 of 1964 dated 15.06.1964 from one Muniammal. After purchase, the petitioner's grandmother and other legal heirs were in possession and enjoyment of the subject property. They are also continuously paying the tax for property. His grandmother died on 22.05.1988 leaving behind his three sons viz., Gopal, Ramachandran and Gajendran and one daughter Gajavalli. The petitioner is the son of the said Gopal.



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3. While being so, the petitioner and other legal heirs came to understand that a settlement deed dated 04.11.2019 was registered vide document No.6789 of 2019, in respect of the very same subject property by one Ramachandran, in favour of his son Kanagaraj. They are arrayed as A1 & A2. As per the recital of the settlement deed, it is revealed that the said Ramachandran viz., the first accused claimed to have purchased the subject property from one Muniammal, who is the vendor of the petitioner's grandmother, by the registered sale deed dated 08.08.1964 vide document No.2177 of 1964. The said deed dated 08.08.1964 doesn't relate to the subject property. Based on the sale deed dated 08.08.1964, registered vide document No.2177 of 1964, the settlement deed has been executed by the first accused in favour of the second accused.

4. On verification of sale deed registered vide document No.2177 of 1964, it was executed by one A.V.Gopinathan in favour of N.Thangaraj and it relates to the property comprised in No.112, 116 in palmash Nos.1274 and 1264 situated at Ram Nagar Layout, Madipakkam Village. Therefore, the schedule of property mentioned in the settlement deed dated 04.11.2019 and the sale deed dated 08.08.1964 are completely different ones. Therefore, in order to grab the property, the first accused



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had executed settlement deed in favour of his son viz., second accused. In turn, the second accused had executed a power of attorney in favour of the third accused viz., the petitioner herein to deal with the property, on 09.06.2023 registered vide document No.5155 of 2023. Other accused persons were stood as witnesses to the sale deed as well as the settlement deed. It was further alleged that the first accused without any title over the property had executed the settlement deed in favour of his son viz., the second accused.

5. The learned Senior Counsel appearing for petitioner submitted that the petitioner is arrayed as third accused out of the seven accused persons. The petitioner has nothing to do with the allegations leveled as against the other accused persons. Even according to the second respondent, the settlement deed was executed by the first accused in favour of the second accused on 04.11.2019 registered vide document No.6789 of 2019. After a period of four years, the second accused had executed the power of attorney in favour of the petitioner on 09.06.2023 registered vide document No.5155 of 2023. The petitioner is a third party and not related to A1 & A2 or other witnesses to the said deeds. In order to develop the said property, the power of attorney had been executed in



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favour of the petitioner. Even after registration of Power of Attorney, the petitioner had not taken any steps to develop the subject property.

5.1. He further submitted that in the settlement deed, the first accused inadvertently wrongly mentioned the parent deed as document No.2177 of 1964 dated 18.06.1964 instead of document No.2179 of 1964 dated 17.08.1964. Subsequent to the settlement deed the settlee viz., the second accused registered declaration deed declaring that the parent deed viz., the sale deed shall read as document No.2179 of 1964 instead of 2177 of 1964. The said declaration deed was registered vide document No.42 of 2023. Though the second respondent claimed title over the subject property as if his grandmother viz., Avaranjiammal had purchased the subject property from one Muniammal vide document No. 149 of 1964 dated 15.06.1964, it absolutely pertains to some other person and some other property. The petitioner obtained information under the Right To Information Act dated 14.02.2022 and it is revealed that the sale deed registered vide document No.149 of 1964 was executed by a completely different person in respect of a different property. Though the second respondent had taken specific stand that he inadvertently wrongly mentioned the document No.149 of 1964 instead of 1491 of 1964, on



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verification and on receipt of the information under the Right To Information Act, the document No.1491 of 1964 was executed by one Vijayan and not by Muniammal.

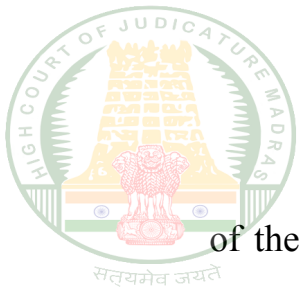
5.2. Further, the learned Senior Counsel also produced the information under the Right To Information Act that the first accused had purchased the subject property from the said Muniammal, registered vide document No.2179 of 1964 dated 17.08.1964. Therefore, after the period of nearly 60 years, the present complaint has been lodged by the second respondent, since the subject land is lying vacant. Further even assuming that the first accused without any title executed settlement deed in favour of the second accused, the petitioner has nothing to do with the allegations levelled by the second respondent, since the petitioner is only a power of attorney holder and the same was executed in his favour only on 09.06.2023. In fact, after registration of power of attorney, the petitioner did not take any steps to develop the subject property and it is, to this day, lying vacant. He never cheated anybody and not falsified any document by fabricating the signature of the defacto complainant. Therefore, it was submitted that no offence is made out as against the petitioner and it was prayed that the FIR is quashed.



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6. Per contra, the learned counsel appearing for the second respondent would submit that the petitioner's grandmother Avarajiammal had purchased the subject property from one Muniyammal by the registered sale deed dated 15.06.1964 vide document No.1491 of 1964. Inadvertently, in the complaint, the document number has been wrongly mentioned as 149 of 1964. In fact, no such document is available with the registering authority in the year 1964. The entire literacy of the document is in a disintegrated condition and as such the first accused fabricated the sale deed as if, he had purchased the subject property from the said Muniammal vide document No.2179 of 1964. In fact, they had wrongly mentioned the document number as 2177 of 1964 and executed the settlement deed in favour of the second accused. The date of the sale deed has been mentioned at 18.08.1964 in the settlement deed. Subsequently, the second accused himself had executed the deed of declaration, declaring the the parent deed document shall read as 2179 of 1964. However, no date has been mentioned in the declaration deed. Whereas, the petitioner produced the information sale deed vide document No.2179 of 1964 dated 17.08.1964. Therefore, both the dates are different and the documents are also different. He further submitted that after the demise



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of the second respondent's grandmother, who had purchased the subject property from Muniammal, the revenue records were also mutated in favour of all the legal heirs and they had paid property tax and also they were in possession and enjoyment of the subject property. Hence, he prayed for the dismissal of this petition.

7. The learned Government Advocate (Crl. Side) appearing for the first respondent submitted that the first accused impersonated the said Muniammal and had executed the sale deed in his favour, registered vide document No.2179 of 1964 dated 17.08.1964. Thereafter, the first accused executed settlement deed in favour of the second accused on 04.11.2019 registered vide document No.6789 of 2019. In turn, the second accused executed the power of attorney to deal with the property in favour of the third accused viz., the petitioner herein.

8. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

9. The second respondent's grandmother viz., Avarajiammal had purchased the subject property from one Muniammal by the



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registered sale deed dated 15.06.1964 vide document No.1491 of 1964.

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After her demise, her legal heirs are in possession and enjoyment of the subject property and are also paying the property tax. Further the said Muniammal had purchased the subject property from one Kamatchi by the registered sale deed vide document No.1222 of 1939 dated 26.09.1939. On perusal of the sale deed which was allegedly executed by the said Muniammal in favour of the first accused registered vide document No.2179 of 1964 dated 17.08.1964, it is revealed that there was no mentioning about the title of the property derived by the said Muniammal. Therefore, a prima facie case is made out as against accused 1 & 2 and other accused persons, except the petitioner herein, since the petitioner is only a power agent appointed by the second accused to deal with the property, by the registered power deed dated 09.06.2023 vide document No.5155 of 2023. He has nothing to do with the alleged sale deed vide document No.2179 of 1964 dated 17.08.1964 and the subsequent settlement deed vide document No.6789 of 2019 dated 04.11.2019.

10. In view of the above discussions, the present FIR cannot be sustained as against the petitioner and the FIR in Crime No.11 of 2025 on



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the file of the first respondent, is hereby quashed as against the petitioner alone. It is made clear that there are specific allegations and prima facie case made out as against the other accused persons. The first respondent is directed to complete the investigation in Crime No.11 of 2025 and to file final report within a period of twelve weeks from the date of receipt of a copy of this Order.

11. With the above directions, the Criminal Original Petition stands allowed. Consequently, connected miscellaneous petition is closed.

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

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1.The Inspector of Police,  
CCB-I, Chennai.

2. The Public Prosecutor,  
Madras High Court,  
Chennai.



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

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