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Crl.OP.No.6061 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2025

CORAM:

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

Crl.O.P.No.6061 of 2024
and
Crl.MP.Nos.4419 and 4420 of 2024

A.Christopher

... Petitioner

Vs.

1. The State Rep. by
The Inspector of Police
Central Crime Branch - I
Chennai

2.T.Vasantha

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for records pertaining to the charge sheet in C.C.No.5331 of 2023 pending on the file of the learned Metropolitan Magistrate for Exclusive Trial of CCB Cases and CBCID Cases, at Egmore, Chennai and quash the same.

For Petitioner : Mr.V.C.Vinoth Kuumar



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for Mr.P.Veeranarayanan

For Respondents : Mr.R.Vinothraja
Govt.Advocate (Crl.Side) - R1
: Mr.K.V.Sanjeevkumar - R2

ORDER

This petition has been filed to quash the proceedings in C.C.No.5331 of 2023 pending on the file of the learned Metropolitan Magistrate for Exclusive Trial of CCB Cases and CBCID Cases, at Egmore, Chennai .

2. The case of the prosecution is that during the month of December 2019, while the sons of the defacto complainant were filling her subject land with soil and cleaning the area in preparation for constructing a building, the petitioner, along with accused No. 5, Mr. Sadhasivam, approached them and informed them that one Mr. T. Raja (A1) was the owner of the property and that he possesses documents of the subject land in his favour. The defacto complainant was shocked upon hearing this, and upon inquiry, she came to know that a settlement deed dated 27.06.2019, vide Document No. 4091 of 2019, had been registered at the Velachery Sub-Registrar Office by impersonating her. Using the



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said forged document, the said Raja had fraudulently obtained a patta in his name. Based on this patta, he executed a General Power of Attorney in favour of A2, Mr. Shaji Cheriyan, on 23.07.2019, vide Document No. 4699 of 2019. Consequently, the second respondent lodged a complaint against the petitioner before the first respondent.

3. On receipt of the said complaint, the first respondent registered an FIR in Cr.No.10 of 2020 as against the petitioner for the offences punishable under Sections 419, 465, 467, 468, 471, 34 and 109 of IPC. Later, the same was altered into Sections 419, 420, 465, 467, 468, 471, 34 and 109 of IPC. After completion of investigation, the first respondent filed a final report before the learned Metropolitan Magistrate for Exclusive Trial of CCB Cases and CBCID Cases, at Egmore, Chennai and the same was taken cognizance in C.C.No.5331 of 2023 and it is pending. To quash the said criminal proceedings, the petitioner has filed the present petition.

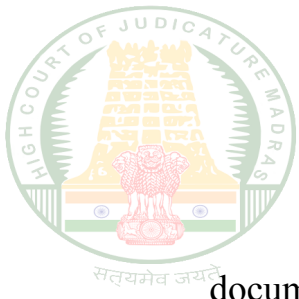
4. The learned counsel appearing for the petitioner submits that the petitioner has been engaged in the business of property development and Packers and Movers under the name and style of 'NST' since the year 2010. Accused Nos. 2 and 5 approached the petitioner under the guise of



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selling the subject property. The second accused, viz., Shaji Cheriyan, projected himself as the lawful Power of Attorney holder of the first accused, viz., T. Raja, and handed over all the documents pertaining to the subject property to the petitioner for verification. The petitioner, having exercised due diligence, verified the documents and found that they were reflected in the revenue records without any encumbrance. Believing the representations made by the said accused persons, the petitioner expressed his interest in purchasing the property. The total sale consideration was fixed at Rs. 1,78,00,000/-, which was above the then market value, considering the growing demand for land in the said locality. The petitioner accordingly paid an advance amount of Rs. 15,00,000/- to the accused persons towards the subject property. Even the prosecution, after learning the actual facts, stated in the FIR that it was the other accused who attempted to sell the subject property to the petitioner using forged documents, and the role of the petitioner was clearly eschewed in the FIR. It is evident from the FIR itself that only accused Nos. 1 to 5 were involved in the alleged illegal acts and misled the petitioner into believing that the Power of Attorney deed dated 23.07.2019, vide Document No. 4699 of 2019, and other related



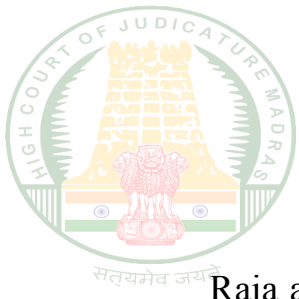
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documents, were genuine, thereby inducing the petitioner to agree to purchase the property. There is no prima facie case made out against the petitioner. Even the witness statements do not disclose any incriminating material against the petitioner. Despite this, the Investigating Officer has mechanically filed a report implicating the petitioner without any proper basis. Hence, the present petition

5. The learned Government Advocate(Crl.Side) appearing for the first respondent police reiterated the prosecution case and vehemently opposed to allow the petition.

6. The learned counsel appearing for the second respondent submits that the second respondent had purchased a property measuring 6090 sq.ft. from one P.S. Nageswaran under a registered sale deed vide Document No. 3921/1999 dated 13.12.1999, for a total sale consideration of Rs. 4,25,000/-. A patta was also issued in her favour on 29.02.2001. While so, when the second respondent was filling the soil and cleaning the site in preparation for constructing a building, A6/the petitioner herein and A5/Sadhasivam approached her and informed that one T. Raja was the owner of the said property and that he had documents in his favour. Upon verification, the second respondent came to know that the said T.



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Raja and others had misused her patta and impersonated a woman in her name to create a forged settlement deed, vide Document No. 4091/2019 dated 27.06.2019, which was registered at the Velachery Sub-Registrar Office using a damaged document (Doc.No.887/1965) as the parent document, which contained no legible content. On the strength of this forged settlement deed, a new patta was fraudulently obtained in the name of T. Raja for Survey No. 89/47B. Using the said patta, a General Power of Attorney was executed in favour of the second accused, Shaji Cheriyan, on 23.07.2019, vide Document No. 4699/2019. It is alleged that all four accused persons colluded to grab the second respondent's property, created forged documents, sold plots, and thereby committed misappropriation and cheating in a fraudulent manner.

7. Heard both sides and perused the materials available on record.

8. A perusal of the records available before this Court reveals that there are a total of six accused in this case, in which the petitioner is arrayed as the sixth accused. Accused Nos. 2 and 5 approached the petitioner with a proposal to sell the subject property, allegedly owned by the first accused. The first accused had executed a Power of Attorney in favour of the second accused to deal with the said property. Relying on



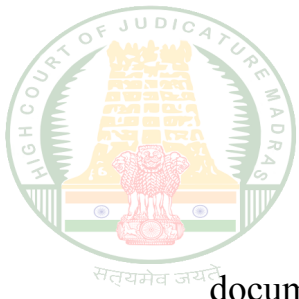
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the Power of Attorney, the second accused and others approached the petitioner. Upon verification, the documents provided to the petitioner appeared genuine and were reflected in the revenue records without any encumbrance. Based on this, the petitioner expressed interest in purchasing the property, and the total sale consideration was fixed at Rs. 1,78,00,000/-, which was above the market price, considering the growing demand for land in that locality. Accordingly, the petitioner paid an advance of Rs. 15,00,000/- to the accused persons. At that juncture, the second respondent/defacto complainant came to know that her identity had been impersonated, and a forged settlement deed had been executed in favour of the first accused through the third accused.

9. Even as per the prosecution's case, the petitioner was a bona fide purchaser who had agreed to buy the property upon payment of consideration, out of which he paid Rs. 15,00,000/- as advance. The petitioner had no knowledge of the impersonation or the fact that the documents provided were forged and had been created by impersonating the defacto complainant in favour of the first accused.

10. A perusal of the confession statement of the second accused also reveals that he, along with other accused, fabricated the forged



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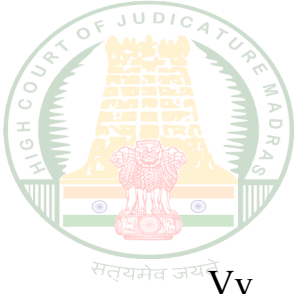
documents and induced the petitioner to believe that they were genuine. It was based on this belief that the petitioner paid Rs. 15,00,000/- as part of the total consideration of Rs. 1,78,00,000/- for the subject land. Therefore, the petitioner has not committed any offence so as to attract the provisions under Sections 419, 420, 465, 467, 468, 471, 34, and 109 of the IPC.

11. In view of the above, the entire proceedings are nothing but clear process of law and it cannot be sustained as against the petitioner and it is liable to quashed.

12. Accordingly, the proceedings in C.C.No.5331 of 2023 on the file of the learned Metropolitan Magistrate for Exclusive Trial of CCB Cases and CBCID Cases, at Egmore, Chennai is hereby quashed. Further, the trial Court is directed to complete the trial within a period of six months from the date of receipt of a copy of this Order.

13. In the result, this Criminal Original Petition stands allowed. Consequently, connected Miscellaneous Petitions are closed.

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Vv
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To

1. The Metropolitan Magistrate
for Exclusive Trial of CCB Cases and CBCID Cases
Egmore, Chennai
2. The Inspector of Police
Central Crime Branch - I
Chennai
3. The Public Prosecutor
High Court of Madras
Chennai 600 104

G.K.ILANTHIRAIYAN, J.

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