



CrI.O.P.No.12902 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2025

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

CrI.O.P.No.12902 of 2025 and
CrI.M.P.Nos.8530 and 8531 of 2025

K.Loganathan

... Petitioner

Vs.

1. State by Inspector of Police
Central Crime Branch Team-16
Land Grabbing Cell-I
Vepery, Chennai – 600 007
(Crime No.452 of 2017)

2. M.Sivanandam

... Respondents

Prayer: Criminal Original Petition filed under Section 528 of B.N.S.S., to call for the records in C.C.No.5328 of 2023 on the file of the learned II-Metropolitan Magistrate for exclusive trial of CCB Cases (Relating to Cheating Cases in Chennai) and CB CID Metro Cases, Allikulam, Egmore, Chennai and quash the same.



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For Petitioner : Mr.A.Saravanan
For 1st Respondent : Mr.S.Vinoth Kumar
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed by the petitioner to quash the case in C.C.No.5328 of 2023 on the file of the learned II- Metropolitan Magistrate for exclusive trial of CCB Cases (Relating to Cheating Cases in Chennai) and CB CID Metro Cases, Allikulam, Egmore, Chennai.

2. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the father of the defacto complainant/second respondent namely K.Murugan had purchased the property in Survey No.704/1C2 to an extent of 19 ³/₄ cents from one V.Ganesa Naicker under registered Sale Deed dated 28.10.1992 and subsequently, the said Ganesa Naicker unilaterally cancelled the sale deed by a deed of cancellation vide Doc. No.4018 of 1994 and the same was also registered. On coming to know about the same, the defacto complainant filed a suit in O.S.No.811 of 2010 on the file



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of the Principal District Munsif Court, Alandur for declaration that the

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cancellation deed executed by the Ganeasa Naicker is not valid in law and subsequently, he obtained a decree by judgment dated 25.08.2011. Thereafter, when the defacto complainant had gone to the property to put up fence, at instigation of the petitioner, his henchmen threatened the defacto complainant with dire consequences. Therefore, he lodged a complaint and based on which, the FIR in Crime No.452 of 2017 was registered by the respondent police against the petitioner and others for the offences under Sections 465, 468, 471, 447, 489 and 506(i) IPC and after completion of investigation, the respondent police found prima facie materials as against the petitioner and others and therefore, they laid the charge sheet and the same was taken on file in C.C.No.5328 of 2023 on the file of the learned II- Metropolitan Magistrate for exclusive trial of CCB Cases (Relating to Cheating Cases in Chennai) and CB CID Metro Cases, Allikulam, Egmore, Chennai and the same is pending.

3. The learned counsel for the petitioner submitted that the petitioner



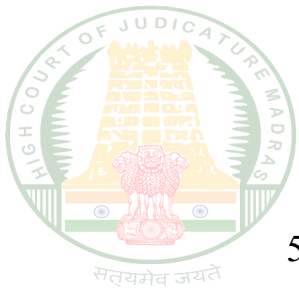
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who has been arrayed as A1 in the said case, has not committed any offence as

alleged by the prosecution and that there is no overt-act against the petitioner.

The fact is that the original owners namely Dhanabakkiammal and Ganesa Naicker, had executed a power of attorney dated 05.10.1994 vide registered document No.1352 of 1994 in respect of the land comprised in Survey No.704/1C in No.149, Pallikaranai Vilalge measuring an extent of 0.20 cents out of 0.40 cents to and in favour of the petitioner herein and in his capacity as a power of attorney agent of the owners of the property in question, he plotted out the said land into house sites and sold to various individuals even in the year 1997, whereas the present case was registered in the year 2017 and that the petitioner is no way connected with the alleged offence. Therefore, the present petition is filed to quash the said C.C.

4. Heard the learned counsel for the petitioner and the learned Government Advocate (CrI. Side) appearing for the first respondent police and perused the materials available on record.



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5. Since no adverse order is being passed against the second respondent,

notice to the second respondent is dispensed with.

6. A reading of the complaint, FIR and the statements of the witnesses shows that prima facie materials are available to proceed the case further as against the petitioner. The grounds taken by the petitioner to quash the C.C. are nothing but defence which can be agitated during trial before the trial Court. This Court is not satisfied with the grounds taken by the petitioner to quash the C.C.

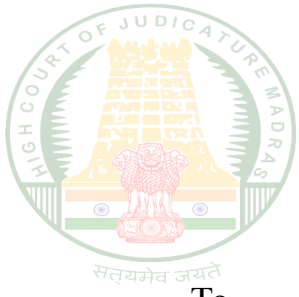
7. Therefore, this Criminal Original Petition is dismissed. Consequently, the connected Miscellaneous Petitions are closed.

8. However, the petitioner is at liberty to take all his defence before the trial Court during trial.

11.06.2025

Index : Yes / No
Speaking Order : Yes / No
Neutral Citation Case : Yes/No
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To
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1. The II- Metropolitan Magistrate for exclusive trial
of CCB Cases (Relating to Cheating Cases in Chennai)
and CB CID Metro Cases, Allikulam, Egmore, Chennai.
2. The Inspector of Police
Central Crime Branch Team-16
Land Grabbing Cell-I
Vepery, Chennai – 600 007
3. The Public Prosecutor
High Court of Madras



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P.VELMURUGAN. J.

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