



Crl.O.P.No.12933 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2025

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

**Crl.O.P.No.12933 of 2025
and
Crl.M.P.No.8536 of 2025**

G.Jayaraman
Represented by his Guardian/wife
Jayalakshmi

... Petitioner

Vs

1. The Inspector of Police,
Central Crime Branch,
Team XVI-A,
Vepery, Chennai-7.

2. T.S.Pasupathi

... Respondents

PRAYER:

Criminal Original Petition filed under Section 528 of BNSS 2023, to call for the records culminating in C.C.No.4606 of 2023 pending on the file of the Metropolitan Magistrate for Exclusive Trial of CCB & CBCID Cases, Egmore, Chennai and to quash the same.

For Petitioner : Mr.Arun Anbumani
for Mr.P.Rajkumar Pandian



Crl.O.P.No.12933 of 2025

WEB COPY

For R1 : Dr.C.E.Pratap
Government Advocate (Crl.Side)

For R2 : Mrs.A.L.Ganthimanthi, Senior Counsel
for Ms.S.Meenakshi

ORDER

This Criminal Original Petition has been filed to call for the records culminating in C.C.No.4606 of 2023 pending on the file of the Metropolitan Magistrate for Exclusive Trial of CCB & CBCID Cases, Egmore, Chennai and to quash the same.

2. Heard the learned counsel appearing for the petitioner, the learned Senior counsel appearing for the second respondent and the learned Government Advocate (Crl.Side) appearing for the first respondent-Police and perused the materials available on record.

3. Learned counsel for the petitioner submitted that based on the complaint lodged by the second respondent/*de-facto* complainant, the first respondent Police registered a case against the petitioner and two



CrI.O.P.No.12933 of 2025

WEB COPY

others for the offences under Sections 419, 420, 465, 467, 468, 471 and 474 read with Section 34 of the IPC. Subsequently, the same was taken on file in C.C.No.4606 of 2023 on the file of the Metropolitan Magistrate for Exclusive Trial of CCB & CBCID cases, Egmore, Chennai. He further submitted that the second respondent executed a general power of attorney dated 16.4.1986 in respect of the property *vide* Document No.201 of 1986 on the file of the Joint Sub-Registrar-II, Saidapet, Chennai. As a power of attorney, the petitioner executed several sale deeds to different buyers. Though power deed document was registered in 1986, the second respondent lodged a complaint after a lapse of 25 years. Further, the second respondent/*de-facto* complainant had executed a settlement deed dated 06.3.2009 in favour of his sons and the same was registered on the file of the Sub-Registrar, Sriperumbudur, *vide* Document No.1805 of 2009. Suppressing the said fact, the second respondent filed a civil suit against the petitioner herein in O.S.No.2984 of 2009 on the file of the VI Assistant City Civil Court, Chennai. The said suit was dismissed for default on 20.06.2014. The second respondent has not taken any steps to prosecute the said suit.



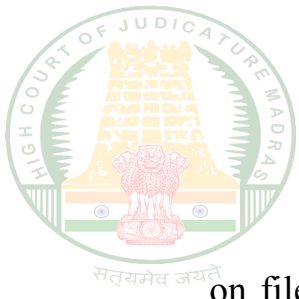
Crl.O.P.No.12933 of 2025

WEB COPY

Subsequently, he filed a complaint after 25 years. Meantime, the property was sold to several persons and the structure of the property has been changed. Hence, there is no criminal complaint is made out.

4.Learned Senior Counsel appearing for the *de-facto* complainant submitted that the de-facto complainant had already narrated all the facts in the plaint itself. Since *prima facie* case has been made out, the complaint was taken on file in Crime No.461 of 2011. Investigation has been completed and charge sheet has also been filed in the year 2014 itself and the case is now at the trial stage. Grounds taken by the petitioner are nothing for the sake of defence and the same can be agitated only during the course of trial before the trial court and the grounds taken by the petitioner are not the grounds for quash.

5.Admittedly, the second respondent registered a case against the petitioner and two others in Crime No.461 of 2011 for the offences under Sections 419, 420, 423, 465, 467, 468, 471, 474 and 34 of the IPC. After investigation, charge sheet was laid and the same was taken



CrI.O.P.No.12933 of 2025

WEB COPY

on file in C.C.No.4606 of 2023 the file of the Metropolitan Magistrate for Exclusive Trial of CCB & CBCID Cases, Egmore, Chennai.

6. On a perusal of the records, it is seen that there are *prima facie* allegations made out as against the petitioner and the statement of witnesses also reveal the same. The grounds taken by the petitioner to quash the F.I.R is nothing but defence, and the same can be agitated before the Trial Court only during the course of trial. No grounds are available to quash the case in C.C.No.4606 of 2023. The petitioner is at liberty to raise all his defence before the trial Court during the course of Trial.

7. With the abovesaid direction, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

12.06.2025

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Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No



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CrI.O.P.No.12933 of 2025

To

1. The Metropolitan Magistrate for Exclusive Trial of CCB & CBCID Cases, Egmore, Chennai
2. The Inspector of Police,
Central Crime Branch,
Team XVI-A,
Vepery, Chennai-7.
3. The Public Prosecutor,
High Court, Chennai.



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Crl.O.P.No.12933 of 2025

P.VELMURUGAN, J

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and
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