



Crl.R.C.No.743 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.06.2025

CORAM:

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

Crl.R.C.No.743 of 2025

and

Crl.M.P.Nos.10941 & 10936 of 2025

G.Bharathi

..... Petitioner

Vs

The State, rep by its,
The Inspector of Police,
Central Crime Branch,
Veppery, Chennai – 7.

..... Respondent

PRAYER: Criminal Revision Case is filed under Sections 438 and 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to set aside the order passed in Crl.M.P.No.64974 of 2024 in C.C.No.6822 of 2023 dated 13.03.2025 by the learned Metropolitan Magisterial, for exclusive Trial of CCB Cases (Relating to Cheating cases in Chennai) and CBCID Metro Cases, Egmore, Chennai and thereby allow the Criminal Revision Petition.

For Petitioner : Mr.B.Gopalakrishnan

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)



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ORDER

This Criminal Revision Case has been filed challenging the order

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dated 13.03.2025 passed in CrI.M.P.No.64974 of 2024 in C.C.No.6822 of 2023 on the file of the Metropolitan Magistrate for exclusive Trial of CCB Cases (Relating to Cheating cases in Chennai) and CBCID Metro Cases, Egmore, Chennai, thereby dismissing the application filed by the petitioner seeking discharge from the charges under Sections 406, 420, 448 and 506(i) of IPC r/w. 34 of IPC

2. The petitioner is arrayed as A2. The case of the prosecution is that the defacto complainant had purchased a property from her husband, who held the power of attorney in respect of the property comprised in Survey No.127/7C, measuring an extent of 1650 sq.ft out of 2400 sq.ft, situated at Door No.17/20, IV Street, Venkateswara Nagar, Maduravoyal, Chennai, for valid sale consideration, by way of a registered sale deed dated 02.12.2010, registered vide document No.6544 of 2010. Thereafter, the very same property was sold out by the original principal of the said property in favour of the petitioner herein.

3. Based on the complaint lodged by the defacto complainant, the

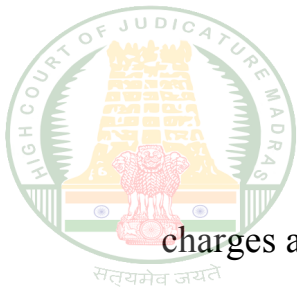


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respondent police registered an FIR in Crime No.183 of 2014 for the offences punishable under Sections 406, 420, 448 and 506(i) of IPC r/w Section 34 of IPC. After completion of the investigation, a final report was filed and the same has been taken cognizance by the Trial Court in C.C.No.6822 of 2023.

4. The learned counsel appearing for the petitioner submitted that the property, which was purchased by the defacto complainant, is completely different from the property, which was purchased by the petitioner. Originally, the subject property was owned by first accused and a sale agreement was executed in favour of the defacto complainant's husband. However, the subject land was classified as Natham Poramboke and as such, no sale deed was executed in favour of the defacto complainant's husband. Thereafter, on the strength of the power of attorney, the sale deed was executed in favour of the defacto complainant on 02.12.2010. On 07.01.2011, the first accused had executed a sale deed in respect of another property in favour of the petitioner herein. However, the respondent herein without considering the above facts and circumstances, mechanically filed a final report, as if both the properties are one and the same, for the offences punishable under Sections 406, 420, 448 and 506(i) of IPC r/w Section 34 of IPC. The Trial Court, without even verifying the materials produced along the final report, mechanically framed



charges against the petitioner, which is unsustainable in law.

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5. On the basis of the materials produced by the respondent herein, the Trial Court framed charges for the offences punishable under Sections 406, 420, 448 and 506(i) of IPC r/w Section 34 of IPC. Aggrieved by the same, the petitioner has preferred the present criminal revision.

6. Heard the learned counsel appearing on either side and perused the materials available on record.

7. A perusal of the records reveals that the property purchased by the petitioner is also comprised in Survey No.127/7C, which is the same survey number as the property purchased by the defacto complainant. Thus, it prima facie appears that both parties are claiming title over the same property. Therefore, it becomes a matter for trial. Hence, this Court is of the view that there are sufficient materials are available to frame charges for the offences punishable under Sections 406, 420, 448 and 506(i) of IPC r/w Section 34 of IPC against the petitioner.

8. In view of the above, this Court finds no infirmity or illegality



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in the order dated 13.03.2025 passed in Crl.M.P.No.64974 of 2024 in
C.C.No.6822 of 2023 by the Metropolitan Magistrate, for exclusive Trial of
CCB Cases (Relating to Cheating cases in Chennai) and CBCID Metro Cases,
Egmore, Chennai.

9. Accordingly, this Criminal Revision Case stands dismissed.
Consequently, connected miscellaneous petitions are closed.

13.06.2025

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

To

1. Metropolitan Magistrate,
For exclusive Trial of CCB Cases (Relating to Cheating
cases in Chennai) and CBCID Metro Cases,
Egmore, Chennai.

2. The Inspector of Police,
Central Crime Branch,
Veppery, Chennai – 7.

3. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.
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