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Crl.OP.No19700 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 08.04.2025

CORAM:

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

Crl.O.P.No19700 of 2023

and

Crl.MP.No.13305 of 2023

Rajkumar

... Petitioner

Vs.

1. State Represented by
The Inspector of Police,
Avadi Police Station,
Chennai.
(Cr.No.178 of 2023)

2.S.Pawan Kumar

... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records in Cr.No.178 of 2023 pending on the file of the respondent and quash the same.

For Petitioners : Mr.R.Vivekananthan

For Respondents : Mr.A.Gopinath
Government Advocate (Crl.Side)
for R1

: No appearance for R2
(Notice Served)



Crl.OP.No19700 of 2023

WEB COPY

ORDER

This petition has been filed to quash the FIR registered in Cr.No.178 of 2023 on the file of the respondent police .

2. Though notice was served on the second respondent and his name is also printed in the cause-list, no one appeared before this Court neither in person nor through counsel.

3. The case of the prosecution is that originally one Dhanapal Nayackar had obtained the property through Partition Deed Vide Doc.No.487/1985. On 27.03.1993, the said Dhanapal Naycker had executed a Will in favour of Natesan Nayackar's son namely Dhayalan, Srinivasan and Shankar. On 02.03.2004, the said property having an extent of 2.75 acres located at S.No.99/3A, 99/3B, 99/1, 100/1, 100/2, 99/3, Poonamalle, Thiruvallur District was transferred to Dhayalan through Partition Deed Vide Doc.No.1125 of 2004. On 20.10.2011, Dhayalan through his Power Agent named Gandipan had



Crl.OP.No19700 of 2023

WEB COPY

executed a sale deed vide D.No.10680/2011 in favour of the defacto complainant.

4. The further case of the prosecution is that however, suppressing the above facts on 08.10.2007, one Pattammal, W/o.Dhanapal Nayackar (A1) who has no right over the property, had created forged documents and sold the disputed property to A2, who in turn, on 27.04.2009, had executed a power of Attorney in favour of Anbalagan (A3) vide Doc.No.274/2009. On 19.06.2012, the said A2 through his Power Agent (A3) had executed a sale deed in favour of one Mohana Kumar (A4) vide Doc.No.7008/2012. Hence, the second respondent has lodged a complaint before the respondent police.

5. On the complaint lodged by the second respondent, the first respondent has registered an FIR against the petitioners in Cr.No.178 of 2023 for the offences punishable under Sections 294(b), 420, 465, 468, 471, 120B, 426, 447 and 506(i) of IPC.



Crl.OP.No19700 of 2023

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6. The learned counsel appearing for the petitioner submits that now, the matter has been settled between the petitioner and the second respondent, since the petitioner had handed over the entire subject property in favour of the second respondent by executing release deed.

7. In view of the above, mere keeping the FIR pending would not serve any purpose. In order to meet the ends of justice, this Court inclined to quash the FIR. Accordingly, the FIR registered in Crime No.178 of 2023 on the file of the first respondent police is hereby quashed and this Criminal Original Petition is allowed. Consequently, the connected miscellaneous petition is closed.

08.042025

Vv

To

1. The Inspector of Police,
Avadi Police Station,
Chennai.
2. The Public Prosecutor,
Madras High Court, Chennai.

4/5



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Crl.OP.No19700 of 2023

G.K.ILANTHIRAIYAN, J.

Vv

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