



Crl.O.P.No.22172 of 2025

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2025

CORAM:

THE HON'BLE MR.JUSTICE N. SATHISH KUMAR

**Crl.O.P.No.22172 of 2025
and Crl.M.P.No.15180 of 2025**

E.Vimalkumar

... Petitioner

Vs.

1. State represented by,
The Inspector of Police,
CCB - Avadi Police Station,
Avadi.

2. Geetha K

... Respondents

PRAYER : Criminal Original Petition is filed under Section 528 of BNSS, to call for the records in Crime No.10 of 2024 pending on the file of the first respondent and quash the same.

For Petitioner : Mr.C.Prabhu

For R1 : Mr.K.M.D.Muhilan
Additional Public Prosecutor

For R2 : Mr.C.S.Kiran



Crl.O.P.No.22172 of 2025

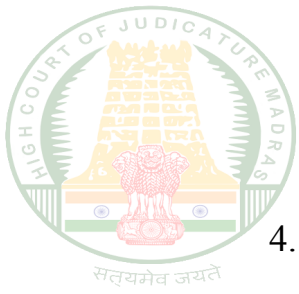
WEB COPY

ORDER

The Criminal Original Petition has been filed seeking to quash the First Information Report in Crime No.10 of 2024, registered on the file of the first respondent Police, for the offence under Sections 406 and 420 IPC.

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

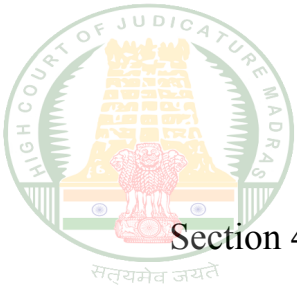
3. The crux of the allegation in the First Information Report is that the de facto complainant, under the impression of executing a Power of Attorney in respect of the subject property in favour of the petitioner, later she came to know that a sale deed had been executed in favour of the accused without her knowledge. Normally, this Court will not interfere in cases involving serious allegations that requires investigation. However, at the same time, when the First Information Report has been filed in relation to a civil dispute and the allegations, even if taken at face value, do not constitute any criminal offence, this Court cannot allow such abuse of process of law.



4. The very allegation in the First Information Report indicates that the Power of Attorney was executed on 12.01.2018, which is a registered document before the SRO concerned. A Presumption applies to all registrations duly made. The de facto complainant is not an ordinary or a rustic person, she is an MBA graduate. Thus, the contention of the petitioner that she was only under the impression of executing a Power of Attorney while a sale deed was executed is highly improbable.

5. It is further to be noted that the document was executed in the year 2018 and later, the suit was also filed in O.S.No.254 of 2022 before the Sub Court, Ponneri, to annul the said document. Thereafter, the complaint was given on 07.06.2023 and the First Information Report was registered on 13.02.2024. All these facts indicate that the de facto complainant, through criminal proceedings, attempting to achieve what could not be achieved legally in the civil side, thereby, giving criminal colour to a civil dispute.

6. In view of the above, this Court is of the opinion that the case is nothing but a motivated attempt to achieve something that could not be done under normal legal circumstances. Therefore, this Court is inclined to quash the First Information Report, by exercising its jurisdiction under



CrI.O.P.No.22172 of 2025

Section 482 of Cr.P.C.(corresponding to section 528 BNSS).

WEB COPY

7. Accordingly, this Criminal Original Petition stands allowed. The First Information Report in Crime No.10 of 2024, pending on the file of the first respondent, is hereby quashed as against the petitioner. Consequently, the connected miscellaneous petition is closed.

02.09.2025

ham

Neutral Citation:Yes/No

To

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



WEB COPY



Crl.O.P.No.22172 of 2025

N. SATHISH KUMAR, J.

ham

***Crl.O.P.No.22172 of 2025
and Crl.M.P.No.15180 of 2025***

02.09.2025