



CRL MP(MD) NO. 13603 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08-01-2025

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THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL MP(MD) NO. 13603 of 2024

IN

CRL OP(MD) NO. 21924 of 2024

Siva

S/o. Elangovan, No.72, 18th Street,
S Block, Anna Nagar West, Chennai-40.

Petitioner(s)

Vs

The State of Tamil Nadu,
Rep. by The Inspector of Police,
District Crime Branch, Thanjavur District.
In Crime No. 14/2023 and another

Respondent(s)

For Petitioner(s):

Mr.R.Gandhi, Senior Counsel
for Mr.A.Balaji, Advocate

For Respondent(s):

Mr.K.Sanjai Gandhi
Government Advocate (Criminal Side) for R1

ORDER

The petitioner/A1, who is facing trial in C.C.No.183 of 2024 on the file of the Judicial Magistrate Court, Pattukottai, for the offences punishable under Sections 120B, 406, 465, 467, 468, 420, 34, and 471 of the IPC, has filed the above Criminal Original Petition for the quashing of the C.C.

<https://www.mhc.trngov.in/judis> 2. The petitioner, along with two others, is facing trial. The case projected



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against the petitioner is that the second respondent/defacto complainant owned properties situated at Nadiyambalpuram Village, Pattukottai Taluk, Thanjavur District. The second respondent/defacto complainant is a Singapore citizen and executed a Power of Attorney Deed dated 27.01.2011 in favour of the petitioner concerning the aforementioned properties. The petitioner/A1, with an intention to cheat the second respondent/defacto complainant, mortgaged the properties with Accused No.2 through a registered Mortgage Deed dated 03.03.2011, bearing Document No.340/2011, attested by Accused No.3. Thereafter, the petitioner sold the properties in favour of Accused Nos.2 & 3 through a registered Sale Deed dated 17.08.2012, bearing Document No.1264/2012, for a meager amount of Rs. 16,00,000/-. Hence, a complaint was lodged against the petitioner and the purchasers of the properties, and the case was registered against them. Upon completion of the investigation, the Investigation Officer filed the charge sheet, listing 22 witnesses.

3.The contention of the petitioner is that it is not the case of the second respondent/defacto complainant that he did not execute the Power of Attorney and the Power of Attorney is a forged document. From the reading of the Power of Attorney, it is seen that paragraph 9 deals with the manner in which the petitioner is to deal with the sale of properties, including receiving the sale advance and sale consideration, either in part or in full, as well as executing Sale Deeds, Affidavits,



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pledging or mortgaging the properties, and subsequently signing the executed documents, and so on. Nowhere it is stated as a condition that the Power of Attorney holder must obtain the concurrence of the Principal before making any sale. Further, there is no mention as to how the sale consideration is to be distributed.

4. The contention of the petitioner is that the petitioner received the sale consideration in cash and paid a sum of Rs.19,00,000/- in cash to the second respondent/defacto complainant's mother. Suppressing this fact, the complaint has now been lodged in 2023, after the lands appreciated in value due to the four-lane road constructed nearby, despite the Power of Attorney being executed in 2011 and the Sale Deed executed in 2012. The police, without considering these aspects, interfered in a civil dispute, registered the case, and filed the final report.

5. Finding force in the above submissions, this Court is inclined to grant an order of interim stay of all further proceedings in C.C.No.183 of 2024, pending before learned Judicial Magistrate Court, Pattukottai, Thanjavur District. Accordingly, an order of interim stay is granted.

sd/-
08/01/2025

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/ 01 / 2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO

1 THE JUDICIAL MAGISTRATE
PATTUKOTTAI, THANJAVUR DISTRICT.

2 DO-THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, THANJAVUR DISTRICT.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.A.BALAJI, Advocate (SR-276[I] dated 08/01/2025)

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PSP/ VR /SAR /22.01.2025/ 4P/ 6C

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