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Crl.O.P.No.8345 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.03.2026

CORAM:

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

Crl.O.P.No.8345 of 2023 and
Crl.MP.Nos.5304 & 5306 of 2023

S.Muthu Kumar

... Petitioner

Vs.

1.INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH-I,
CHENNAI.

2.B.NAGALINGAMOORTHY

3.N.SHIVA KUMAR

(R3 impleaded as per the order of this court dated 03.03.2026 in
Crl.MP.No.8464 of 2023 in Crl.OP.No.8345 of 2023) ... Respondents

Prayer: Criminal Original petition filed under Section 482 of Cr.P.C. to
call for the records pertaining to the CC.No.115 of 2022 pending on the
file of the Special Court for Exclusive Trial of Land Grabbing Cases-II,
Periyamet and to quash the same.

For Petitioner : Mr.S.Sathyaraj

For Respondents

For R1 : Mr.A.Gopinath,
Government Advocate(crl.side)

For R2 : No appearance

For R3 : Mr.M.Ganesh



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ORDER

This criminal original petition has been filed praying to quash the proceedings in CC.No.115 of 2022 pending on the file of the Special Court for Exclusive Trial of Land Grabbing Cases-II, Periyamet.

2. The case of the prosecution is that the property comprised in S.No.105/2, measuring an extent of 2400 sq.ft. situated at Madipakkam Village, Kancheepuram District originally belonged to one Srinivasan. The de facto complainant purchased the said property from the said Srinivasan vide a sale deed Doct.No.4489 of 1988 dated 08.12.1988 registered in the SRO of Alandur. Thereafter, he had constructed a house in the land and he left to Bangalore after renting the house to one Justin. On 06.07.2013, his wife died due to Cancer. Thereafter, he visited the property and found that his house had been demolished and flats had been being constructed. Thereafter, he approached Velachery registration office and came to know that A2 impersonated and executed a power of attorney dated 13.11.2009 vide Doct.No.1107 of 2009 in favour of A1. Based on the complaint dated 18.03.2020 lodged by the 2nd respondent, 1st respondent registered FIR in Cr.No.91 of 2020 under Sections 406, 465, 467, 468, 471 & 34 of IPC. After Investigation, the 1st respondent filed a charge sheet against the accused for the alleged offence punishable



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under sections 120 B, 34, 406, 419, 465, 467, 468 & 471 of IPC and the same is pending before the Special Court for Exclusive Trial of Land Grabbing Cases-II, Periyamet in C.C.No.115 of 2022.

3. On perusal of records, it is found that there are totally 13 accused, in which the petitioner is arrayed as A10. The petitioner is one of the purchasers of flats from A1. He had purchased undivided share of land admeasuring 4.13 sq.ft. out of total extent of 2400 sq.ft. by the registered sale deed dated 14.02.2011 vide document No.804 of 2011, that too by availing loan. The specific case of the second respondent is that he had purchased a house plot and he had constructed a house in the year 1992. He was living there for two years and he left to Bangalore in the year 1994 after letting out the property for rent to one, Justin. In the year 2013, while he was visiting his property, he found that his house had been completely demolished and been put up new construction with seven flats. Even according to the complainant, accused 6 to 13 are purchasers of their respective flats. All the allegations are levelled against accused 1 to 5. The third accused is the impersonator and he impersonated the complainant and had executed power of attorney in favour of the first accused. In turn, the first accused had entered into agreement with the developer. In turn, after developing the said property,

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the first accused had executed sale deed in favour of the respective purchasers. Further, they are all bonafide purchasers, that too by availing loan. After purchase of their respective flats, they are residing their and all the revenue records have been mutated in their names. Therefore, no offence is made out against them since they are bonafide purchasers and without any knowledge that the original owner was impersonated and executed power of attorney in favuor of the first accused, who in turn entered into contract with the developer to develop the property and sold out. Therefore, the purchasers are bonafide purchasers of their respective flats and they having nothing to do with the offence committed by A1 to A5.

4. In view of the above, the entire impugned proceedings against the petitioner is a clear abuse of process of law. In fact, the property had been handed over by the defacto complainant to one Justin, who has not been arrayed as an accused. Further, the construction company which entered into an agreement to develop the property, categorically deposed that after developing the said property, the respective flats were sold out in favour of accused 6 to 13 herein. Therefore, no offence is made out against the petitioner and the entire impugned proceedings is liable to be quashed against the petitioner.



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5. Accordingly, this criminal original petition is allowed and the entire proceedings in CC.No.115 of 2022 pending on the file of the Special Court for Exclusive Trial of Land Grabbing Cases-II, Periyamet is quashed in respect of the petitioner. The trial court is directed to proceed with the trial in respect of accused 1 to 5 herein. Consequently, connected miscellaneous petitions are closed.

09.03.2026

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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G.K.ILANTHIRAIYAN, J.

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To

1.Special Court for Exclusive Trial of Land Grabbing Cases-II, Periyamet
2.INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH-I,
CHENNAI.

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