



Crl.O.P.Nos.8345, 8405, 8513 & 8294 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2026

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl. O.P. Nos. 8345, 8405, 8513 & 8294 of 2026

and

Crl. M.P. Nos.5918, 5965, 6058 & 5883 of 2026

Navarasan

... Petitioner
in all the Crl.O.Ps

Vs.

G.K. Reddy

... Respondent
in all the Crl.O.Ps

Common Prayer: Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 to set aside the order passed by the XXV Metropolitan Magistrate, Egmore, Chennai in Crl.M.P.Nos.16688, 16684, 16689 & 16685 of 2025 respectively in S.T.C.Nos.2728, 2729, 2730 & 2731 of 2023 respectively dated 07.03.2026.

For Petitioner : Mr. S. Mohammed Ali
for Mr. S. Ravi

COMMON ORDER

Since the petitioner / accused and the respondent / complaint are common in all the four cases and petitions under Section 311 Cr.P.C., were



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filed in Crl.M.P.Nos.16688, 16684, 16689 & 16685 of 2025 respectively, all of which have been dismissed by the trial Court, the present petitions have been filed challenging the same. The issue involved in all the cases is identical. Hence, by way of a common order, all four cases are disposed of.

2. The contention of the petitioner is that, in these cases, the original complainant, G.K. Reddy has nominated his Power of Attorney holder, V.Raghupathi, Manager, to prosecute the complaint. According to the petitioner, V. Raghupathi is a third party and does not know either the complainant or the accused and no document has been filed to show that V.Raghupathi is working as a Manager of the complainant. Further, there is a suspicion regarding the execution of the complaint, namely, whether it was signed by the Power of Attorney holder or by the complainant himself. Hence, to bring the true facts before the Court, it is necessary to examine the complainant, namely G.K.Reddy, as a witness in this case. Further, if PW.1 is permitted to cross-examine G.K. Reddy, the defence of the petitioner would be properly established.



3. The objection of the respondent / complainant before the lower

Court is that the complainant is aged about 87 years and is not in good health. He has, therefore, authorised his Manager, who is well aware of all the transactions between the complainant and the accused, to prosecute the case. For this purpose, he has executed a Power of Attorney, and PW1 is the power agent of the principal complainant, who has been working under the complainant for the past 30 years. He has further relied upon the judgment of the Hon'ble Supreme Court in *A.C.Narayanan v. State of Maharashtra* reported in **(2014) 11 SCC 790**, in support of his contention.

4. In support of his contention, the petitioner relies upon the judgment of the Hon'ble Apex Court in *Manisha Mahendra Gala & Ors. v. Shalini Bhagwan Avatramani & Ors* reported in neutral citation **2024 INSC 293**, wherein the Apex Court observed in paragraph 29 that “*the Power of Attorney holder, PW.1 had clearly deposed that he is giving evidence on behalf of plaintiff Nos. 2 to 4, i.e. the Gala's. He was not having any authority to act as the Power of Attorney of the Gala's at the time his statement was recorded. He was granted Power of Attorney subsequently as submitted and accepted by the parties*”.



5. The trial Court, after hearing both sides, found that in this case the complaint had been filed through a Power of Attorney, one V. Raghupathi, against the accused. Further, on 13.11.2025, the power agent was examined as PW1 and he filed his proof affidavit, marking Exs.P1 to P8. On the request of the petitioner/ accused, the case was posted for cross-examination of PW.1 on 01.12.2025 and was thereafter adjourned to 05.12.2025. At that stage, the present petition came to be filed by the petitioner. Consequently, as PW.1 was not cross-examined, his evidence was closed and the matter was further posted for further Pws on 05.01.2026. The complainant's side was thereafter closed and the case was posted for 313 Cr.P.C., questioning of the accused. At this juncture, the petition has been filed.

6. Considering the submissions made and upon perusal of the materials available on record, the contention of the petitioner cannot be accepted. In *A.C.Narayanan's* case (supra), the Hon'ble Apex Court has clearly held that a Power of Attorney holder is a competent person to prosecute the complaint, provided that such Power of Attorney holder must be aware of the transaction and facts of the case.



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7. In this case, admittedly, the Power of Attorney holder, who is working as a Manager under the complainant for the past 30 years, is stated he is aware of the transaction and the relevant facts. The petitioner cannot, as a matter of right, seek to summon the original complainant, G.K. Reddy, to be examined as a witness, unless a specific case is made out and it is shown that prejudice would otherwise be caused. Only in such circumstances can such a petition be entertained.

8. In this case, admittedly, even PW1, the Power of Attorney holder, has not been cross examined. Hence, this petition is devoid of merits and substance. If there is any ambiguity or doubt in the Power of Attorney or with regard to the transaction, the petitioner is at liberty to take advantage of the same in accordance with law, including by invoking Section 114 of the Evidence Act.

9. In view of the above, the judgment relied upon by the petitioner pertains to a civil suit and a SARFAESI Act proceeding, and is not applicable to the facts and circumstances of the present case.



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10. Hence, the Criminal Original petitions are dismissed.

Consequently, connected miscellaneous petitions are closed.

06.04.2026

Neutral Citation: Yes/No
AT

To
The XXV Metropolitan Magistrate, Egmore, Chennai.



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M.NIRMAL KUMAR, J.

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