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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-04-2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL OP No. 10945 of 2023 and Crl.M.P.No. 6894 of 2023

Arulnayagam
S/o.Muthu Kumarasamy, No.27, Gangai Stret,
Kalachathira Colony, Besant Nagar, Chennai - 600
090.

..Petitioner(s)

Vs

The Inspector Of Police
Team-4, Central Crime Branch, Chennai. Crime
No.375/2008.

G.Chandrasekaran (deceased), S/o.Govindasamy.

..Respondent(s)

Prayer: This petition is filed under Section 482 of Cr.P.C to call for the records in C.C.NO.3740/2017 on the file of CCB Court at Egmore and quash the same.

For Petitioner(s): M/s.V.Karnan
K.Thenrajan
S.Krishnamoorthy
K.Rahul

For Respondent(s): Mr.A.Gopinath, Government Advocate

ORDER

This petition has been filed to quash the proceedings in C.C.NO.3740 of 2017 on the file of CCB Court at Egmore.



2. The case of the prosecution is that in the year 1988 the deceased/defacto complainant had purchased the property in Survey No.297/2 at Velachery to an extent of 39.5 cents and the same was registered in Document No.985/1988. After the purchase of the said property the defacto complainant had appointed the petitioner as a Power of Attorney in order to deal with the property and the same was registered in the Document No.953 of 1988 at SRO T.Nagar, Chennai. Thereafter, the petitioner divided the said property into 10 residential plots and also had given the said property as collateral security for his brother's Hospital. After redemption of the said property the property was sold out in favour of one Rajam Muthukumarasamy and the same was registered in Document No.2837 of 2003 dated 01.07.2003. After the purchase of the property the said Rajam Muthukumarasamy had sold the subject property to various parties. It is alleged that the petitioner has not given the share of the sale proceeds to the defacto complainant. Hence, the complaint was lodged in Cr.No.375 of 2008 for the offence punishable under Section 120 (b), 406 r/w 467,468,420,471 r/w 465 of I.P.C. After completion of the investigation the same has been taken cognizance. To quash the said proceedings, the present petition has been filed.

3. On perusal of records and the submissions made by either side it is seen that the property was purchased in the year 1988 jointly by the petitioner



and the defacto complainant. The defacto complainant has given power of attorney and based on the said power of attorney the petitioner has sold out the plots to the 3rd parties. The only allegation against the petitioner is that the property was sold without the knowledge of the defacto complainant. The property was sold out in the year 2008 and the complaint was lodged in the year 2008. Now the second respondent/defacto complainant is no more. The complaint is lodged only on the ground that the petitioner had not given sale consideration to him. However, the entire property was sold in the year 2003 itself and the complaint was lodged only in the year 2008. Furthermore, there is no explanation for the delay in lodging the F.I.R . Further in the connected case in Crl.O.P.No.18387 of 2022 this Court has quashed the C.C.NO.3740 of 2017 on the file of CCB Court at Egmore vide order dated 10.08.2022.

4.If at all all the sale proceeds was not given to the defacto complainant he ought to have filed suit for recovery of the sale proceeds. Therefore, there is no absolutely no ingredients to attract the offence under sections 120 (b), 406 r/w 467,468,420,471 r/w 465 of I.P.C.. Hence this Court is of the view that the defacto complainant has given Criminal colour to the civil dispute.

5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.



6. Accordingly, the Criminal Original Petition stands allowed and the proceedings in C.C.NO.3740 of 2017 on the file of CCB Court at Egmore, is hereby quashed. Consequently, connected miscellaneous petition is closed.

16-04-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

SMN

To.

1. The Inspector Of Police
Team-4, Central Crime Branch, Chennai. Crime
No.375/2008.

2. The Public Prosecutor,
High Court, Madras



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CRL OP No. 10945 of 2



G.K.ILANTHIRAIYAN, J.

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