



CRL OP No. 16741 of 2026

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-06-2026

CORAM

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

**CRL OP No. 16741 of 2026
AND
CRL MP NO. 11094 OF 2026**

S.Velu

..Petitioner

Vs

1. The State Rep by its,
The Inspector of Police,
District Crime Branch-II,
Thiruvallur District.
(In Crime No.8 of 2020)

2. Venkatakrisnan

..Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS, 2023 to call for the records relating to C.C.No.291 of 2026 pending on the file of Judicial Magistrate No.II, Thiruvallur and quash the same in so far as petitioner is concern.

For Petitioner:

Mr.A.Ilayaperumal

For Respondents:

Mr.M.Mohamed Riyaz
Government Advocate (Crl.Side) [R1]



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ORDER

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The Criminal Original Petition is filed to quash the proceedings in C.C.No.291 of 2026 on the file of the learned Judicial Magistrate No.II, Thiruvallur.

2. Upon hearing the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the first respondent, the gravamen of the allegations in this case is that the land belongs to the de facto complainant. A1 to A3 conspiring to grab the property belonging to the de facto complainant cooked up all the false records and A4 impersonated as if he is the de facto complainant and executed a Power of Attorney in favour of the petitioner/A5.

3. The learned counsel for the petitioner would submit that the petitioner was looking for purchase of property through one *Jagannathan*. The said *Jaganathan* is examined as a witness and his statement is also annexed along with the final report. The said *Jagannathan* would confirm that the petitioner is a bona fide purchaser for value and instead of registering the sale deed, Power of Attorney was registered owing to the circumstances of the petitioner that they



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did not have further money to execute the sale deed itself. The petitioner/A5 has no truck with A1 to A4. There is no material at all in the form of the oral statements or by way of records to connect the petitioner/A5 with the other accused in any manner whatsoever. As a matter of fact, when A1 to A4 has dealt with two plots, the purchaser of the other plot is not even implicated as the accused. The petitioner is a bona fide purchaser for the value and instead of arraying him as a witness, he has been wrongly implicated as an accused.

4. As a matter of fact, upon coming to know of the fraud, the petitioner also approached this Court that he is willing to cancel the Power of Attorney and that he will not lay any claim with reference to the same property. The prayer was not granted, but however, it was directed to record that the Power of Attorney was fraudulent one and accordingly, it is classified as fraudulent one and the petitioner is not laying any claim to the property.

5. Upon considering the said argument, it is true that *Jagannathan* in his statement has stated that the petitioner approached through him and also paid the money. But the only difference in the instant case is that the petitioner instead of registering the sale deed registered a Power of Attorney in his favour.



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In that view of the matter, I am not in a position to incontrovertibly hold that the petitioner has got absolutely nothing to do with the other accused viz., A1 to A4. The said fact has to be duly established during the course of the trial and if the petitioner is a bona fide purchaser for the value and has no truck with the other accused, certainly, he will be entitled to plead the same before the trial court, and it is for the trial court to consider the same.

6. For the aforesaid reasons, the prayer in this Criminal Original Petition cannot be countenanced. Accordingly, this Criminal Original Petition is dismissed. Considering the hardship pleaded by the learned counsel for the petitioner, the presence of the petitioner before the trial court except for the necessary hearings, shall stand dispensed with. Consequently, the connected miscellaneous petition is closed.

30-06-2026

Neutral Citation: No

sp



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To

1.The Judicial Magistrate No.II,
Thiruvallur.

2.The Inspector of Police,
District Crime Branch-II,
Thiruvallur District.



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D.BHARATHA CHAKRAVARTHY J.

sp

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