



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-06-2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL OP No. 27587 of 2022

AND

CRL MP NO. 16942 OF 2022

1. Marisamy
S/o.Thavasikannu,
Door No.,3/87,South Street,
Vallarampuram,
Keezhaveera Sigamani,
Tirunelveli.
2. Chandrasekar
S/o.Subramaniam,
Door No.2/1,main Road,
Nainar Chavadi,
Eduthukatti Sathanur,
Tharangamapadi Taluk,
Mayiladuthurai District.
3. Pavunraj
S/o.Subramaniam,
Eduthukatti Boothanur,
Tharangamapadi Taluk,
Mayiladuthurai District.

..Petitioner(s)

Vs

1. State Rep By
Inspector Of Police,
District Crime Branch, Nagapattinam.
Crime No.5/2022
2. Rajmohan
S/o.Vishwanathan,
Bik 02 Vai An Rajah,
10-16, Singapore- 311 102
Singapore.



..Respondent(s)

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, praying to call for the records in Crime No.5/2022 on the file of the Inspector of Police, District Crime Branch, Nagapattinam and Quash the same.

For Petitioner(s): Mr.G.Anand Kumar

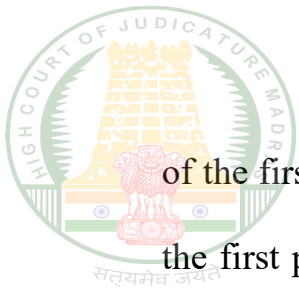
For Respondent(s): Mr.R.Ganesh Kumar,
Counsel for Government of Tamil Nadu
(Crl. Side) for R1

Mr.V.V.Sairam for
Mr.T. Padmanabhan for R2

Order

This Criminal Original Petition is filed to call for the records in Crime No.5/2022 on the file of the Inspector of Police, District Crime Branch, Nagapattinam, registered for the offences punishable under Sections 406, 419, 420, 465, 467, 468, 471, 477A Indian Penal Code 1860 on the complaint lodged by the second respondent and quash the same.

2.The case is that the second respondent owned a property and executed power of attorney in favour of the first petitioner to enable him to settle the loan amount and receive the original title documents from the Bank. However, the first petitioner in connivance with the second and third petitioner, impersonated the defacto complainant and fraudulently executed a power of attorney in favour



of the first petitioner. Thereafter, on the strength of the said Power of Attorney, the first petitioner, at the instance of the third petitioner, executed a Sale Deed in favour of the second petitioner, vide Doc.No.2151 of 2018, in respect of the property situated at Block No.12, Mahadhana Street, Kauverikarai to Vazhankaveri, Myladuthurai, Plot No.294, measuring an extent of 6389 Sq. ft., together with the land and building, registered in the office of the Sub Registrar. The sale consideration was shown as Rs.1,90,69,000/-, thereby suppressing the original market value. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the second respondent had already lodged a complaint before the first respondent. However, the said complaint was closed on the ground that the second respondent failed to appear before the first respondent. Thereafter, on the very same allegation and in respect of the very same complaint the second respondent lodged another complaint before the first respondent, who registered an FIR in Crime No.5 of 2022, for the offences under Sections 406, 419, 420, 465, 467, 468, 471, 477(A) of the IPC. Subsequently, the case was transferred to the file of the Inspector of Police, District Crime Branch, Mayiladuthurai and re-numbered as Crime No.26/2023. Therefore, the second complaint is not maintainable. Further, there are no specific allegation as against the petitioners to attract the aforesaid offences. The allegations made against the petitioners do not constitute any of the offences registered by the first respondent.



4. Heard, the learned counsel for the petitioners and learned Counsel for Government of Tamil Nadu (Crl. Side) for the respondent and I have perused the materials available on record.

5. On perusal of the records, it is seen that there are specific allegations against all three petitioners attracting the offences alleged in the FIR. The allegations, on their face, disclose a prima facie case against the accused. Further, the second respondent had earlier lodged a complaint. However, the said complaint was closed on the ground that the second respondent failed to appear before the first respondent police. Merely because the earlier complaint was closed for non-appearance does not bar the registration of a subsequent FIR. It is only where an earlier FIR has been closed as a “Mistake of fact” that a second complaint on the very same cause of action may not be maintainable. In the present case, the earlier complaint was closed solely due to the non-appearance of the second respondent. Therefore, the second respondent lodged another complaint before the first respondent, who registered an FIR in Crime No.5 of 2022, for the offences under Sections 406, 419, 420, 465, 467, 468, 471, 477(A) of the IPC. Subsequently, the case was transferred to the file of the Inspector of Police, District Crime Branch, Mayiladuthurai and re-numbered as Crime No.26/2023. The complaint contains specific allegations against the petitioners, which prima facie constitute the offences for which the FIR has been registered by the first respondent.



6. In view of the above, this Court is not inclined to quash the Crime No.5 of 2022 on the file of the Inspector of Police, District Crime Branch, Nagapattinam, which has now been transferred to the file of the Inspector of Police, District Crime Branch, Mayiladuthurai and re-numbered as Crime No.26/2023.

7. Accordingly, this Criminal Original Petition stands dismissed. The concerned police i.e. the Inspector Of Police, District Crime Branch, Mayiladuthurai is directed to complete the investigation and file the final report, within a period of twelve weeks from the date of receipt of a copy of this order. Consequently, the connected miscellaneous petition is closed.

24-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

AH

To

1. The Inspector Of Police,
District Crime Branch,
Nagapattinam.

2. The Inspector Of Police,
District Crime Branch,
Myladuthurai.

3. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN J.

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