

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 28.04.2015
DELIVERED ON : 30.04.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.No.10713 of 2015
and M.P.No.1 of 2015

B.Sekar

.. Petitioner

vs.

The Inspector of Police
District Crime Branch
District Police Office
Krishnagiri District.
.. Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records in C.C.No.123 of 2013 on the file of the Court of the Judicial Magistrate No.I, Krishnagiri and quash the same.

For Petitioner : Mr.M.V.Krishnan
For Respondent : Mr.C.Emalias, APP

ORDER

This petition has been filed to call for the records in C.C.No.123 of 2013 on the file of the Court of the Judicial Magistrate No.I, Krishnagiri and quash the same.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the State.

3. It is the case of the prosecution that the petitioner herein, along with the co-accused had entered into criminal conspiracy and sold the land belonging to one Venkatasamy and Ponnusamy by impersonating them to Sri Adhichunchanagiri Shikshana Trust. The allegations in the Final Report is extracted for better reference:

"The above Trust is purchasing the properties for the Trust purposes through their representatives and Agents. All the representatives and Agents are belonged to Karnadaka State and they are all new persons to Bolupalli Village. At this juncture, all the above three accused persons, being friends, after knowing that the above Trust is purchasing the properties of Advocate Rajendra Varma had entred into criminal conspiracy to cheat the

Trust by selling the properties of complainants by personation. So as per their criminal conspiracy, all the above three accused approached the representatives of Trust that A2 and A3 were owners of the property of Acre 1.92 in S.No.255/2B, 255/2C and 255/2D at Bolupalli Village. That accused A1 had introduced A2 as Venkatasamy @ Devendiran though he is only Devendiran and A3 as Ponnusamy though he is really Annamalai by personation. The accused A1 Sekar has negotiated with the Agents of Trust along with A2 and A3. The accused A2 Devendiran had pretended as complainant Ponnusamy by personation. The accused A2 and A3 had pretended as owners of the property by personation as Venkatasamy and Ponnusamy."

4. Mr.M.V.Krishnan, learned counsel for the petitioner submitted that the petitioner is a respectable person and that out of political rivalry, the case has been filed against him. He also submitted that the petitioner himself is a devotee of the Swamiji, who runs the Trust and that he had merely signed as a witness to the sale deed and therefore, he cannot be prosecuted. The learned counsel also submitted that the prosecution is barred by limitation.

5. This Court carefully considered the arguments advanced by the learned counsel and also meticulously perused the records available in the case. It is seen from the 161 statement of the witness that, this petitioner knew that A2 and A3 are not the real owners of the property, but the real owners are Venkatasamy and Ponnusamy. A2 and A3 were introduced as Venkatasamy and Ponnusamy and this petitioner signed as a witness in the sale deed, knowing full well the true state of affairs. The Hon'ble Supreme Court in Bajanlal vs. State of Haryana, [AIR 1992 SC 604] has laid down the parameters for quashing the FIR and charge sheet. In view of sufficient materials against the petitioner, this prosecution cannot be quashed.

6. As regards the contention that the prosecution is barred by limitation, this Court is of the view that no limitation is prescribed by the Code for an offence under Section 420 IPC.

In the result, this petition is devoid of merits and the same is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.Judicial Magistrate No.I, Krishnagiri.

2. -do- Through The Chief Judicial Magistrate Krishnagiri.

3.The Inspector of Police
District Crime Branch
District Police Office
Krishnagiri District.

4.The Public Prosecutor, High Court, Madras.

+ 1 cc to Mr.M.V.Krishnan, Advocate Sr.24278

Cr1.O.P.No.10713 of 2015

JP(CO)
Eu 21.05.15



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