

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 21.08.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.OP.No.20739 of 2015

and MP.Nos.1,2 of 2015

V.M.Suriyamoorthy

... Petitioner

Vs

1.The State
rep by The Inspector of Police,
District Crime Branch,
Cuddalore District
(Crime No.18/2010)

2.D.Rajesh
3.K.Hemadhri

... Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C.,
praying to call for the records and quash the proceedings in
CC.No.350 of 2014 on the file of the learned Judicial Magistrate
No.III, Cuddalore in Crime No.18 of 2010 on the file of the 1st
respondent.

For Petitioner : Mr.R.John Sathyan

For Respondent : Mr.C.Emalias, Addl. Public Prosecutor
[for R1]

सत्यमेव जयते
O R D E R

This petition has been filed to quash the proceedings in
CC.No.350 of 2014 on the file of the learned Judicial Magistrate
No.III, Cuddalore.

2. Heard the learned counsel for the petitioner; learned
Additional Public Prosecutor appearing for the 1st respondent and
perused the materials placed on record.

3. It is the case of the prosecution that the land in question
belongs to one Hemadhri and he had given Power of Attorney to one
Rajesh on 11.11.2005 registered as document No.2080 of 2005. While
so, only to usurp the said land, it is alleged that this petitioner

created a bogus Power of Attorney, as if Hemadhri the original owner has issued and on the strength of the bogus Power of Attorney, they have registered two documents namely, 3649 of 2009 and 3650 of 2009 in their favour. Thereafter, when this fraud came to light on the complaint of Rajesh, FIR was registered and police have filed a Final Report.

4. Mr. John Sathyan, learned counsel for the petitioner submits that Rajesh has played fraud on Hemadhri resulting in Hemadhri cancelling the Power of Attorney dated 11.11.2008 that was given to Rajesh on 10.07.2012.

5. Be that as it may, it is seen that even if Rajesh is a doubtful character, that will not be a disqualification for him to set the criminal law into motion. The police in the Final Report have clearly stated that, because of the non co-operation of the petitioner/accused, they were not able to fix the actual impostor who impersonated Hemadhri before the Sub Registrar and that, the police have stated that as and when evidence surfaces about the impostor, he will also be added as an accused. Since there are sufficient materials for trial to proceed, this Court cannot quash the prosecution. Hence, this petition dismissed. Consequently, connected Miscellaneous Petitions are closed.

-s/d-
Assistant Registrar (CSIV)
dt:04/09/2015

True Copy

Sub-Assistant Registrar

gya

To

1. The Judicial Magistrate III,
Cuddalore.

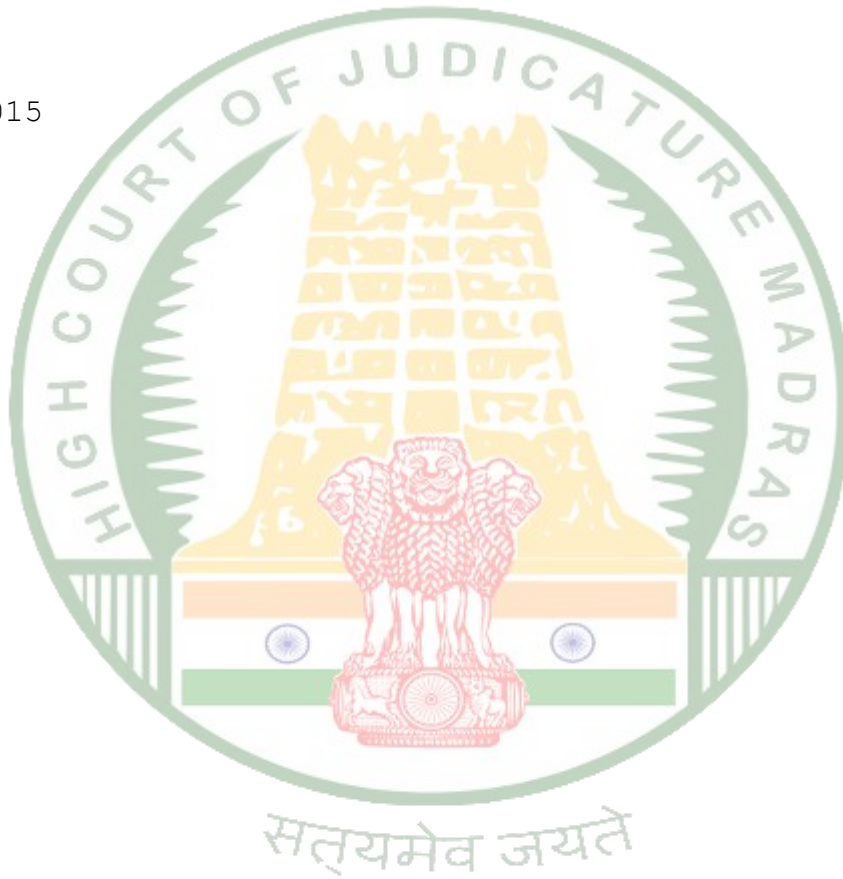
2. The Inspector of Police,
District Crime Branch,
Cuddalore District.

3.The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.S.Soundarajan, Advocate sr.44508

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