

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2015

CORAM

THE HON'BLE MR. JUSTICE R.S.RAMANATHAN

CrI.O.P.No.6778 of 2015  
and  
M.P.Nos.1 and 2 of 2015

R.Balaji

...Petitioner

vs.

1. The State, rep. by  
Inspector of Police,  
Crime Branch, Vellore District.

2. N.Saraswathi

...Respondents

Criminal Original Petition filed under Section 482 of the Criminal Procedure Code to call for records connected with the charge sheet in C.C.No.28 of 2013, pending on the file of the Judicial Magistrate No.II, Vellore Civil Judge ( Junior Division) and to quash the same.

For Petitioner : Mr.S.Feroz Khan

For Respondent-1 : Mr.M.Maharaja  
Additional Public Prosecutor

O R D E R

This Petition is filed to quash the proceedings in C.C.No.28 of 2013, pending on the file of the Judicial Magistrate No.II, Vellore Civil Judge ( Junior Division), insofar as the petitioner is concerned.

2. The learned counsel appearing for the petitioner submitted that there is a delay of 7 days in registering the crime and the delay was not explained. The learned counsel also submitted that the name of third accused is only R.Balaji, whereas, in the FIR as well

as the chargesheet, he has been described as Balaji @ Bala Subiramani. The learned counsel also submitted that the de facto complainant has nothing to do with the petitioner. Even according to the statement of witnesses, no allegation has been made against the petitioner. The learned counsel further submitted that the de facto complainant ought to have been vigilant while purchasing the property by applying Encumbrance Certificate, and therefore, he cannot blame the accused. Hence, the learned counsel submitted that the proceedings against the petitioner are liable to be quashed.

3. I am unable to accept the contentions of the learned counsel appearing for the petitioner. It is seen from the chargesheet that the petitioner along with four others are chargesheeted for offence punishable under Sections 465, 467, 468, 471, 506(ii) IPC and also for offence under Sections 120 (b), 419, 420, 423, 465, 468, 471 and 506(ii). Hence, the question of delay, cannot be considered at this stage. The prosecution has filed chargesheet stating that the third accused Balaji @ Balasubramani is son of Ramachandra Naidu, and the petitioner is also son of Ramachandra Naidu, and he (petitioner) is residing in the same address as given in the chargesheet and FIR.

4. Therefore, merely because, in the chargesheet, third accused is described as Balaji @ Balasubramani, it cannot be stated that the petitioner is not the accused. As regards the submissions of the learned counsel for the petitioner that there is no allegation against the petitioner, it is seen from the statement of witness given by name Gopinath, that the petitioner has given confession, stating that he impersonated as one of allottees and gave his photographs, as if, he was the allottee. Hence, necessary allegations are made against the petitioner to implicate him. Further, records also show that the petitioner is not the allottee and he conspired with other accused in creating documents. Considering the above facts, I do not find any merit in the Criminal Original Petition.

5. In the result, the Criminal Original Petition is dismissed. Consequently, connected M.P.s are closed.

Sd/-

Assistant Registrar(J)

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Sub Assistant Registrar

sd

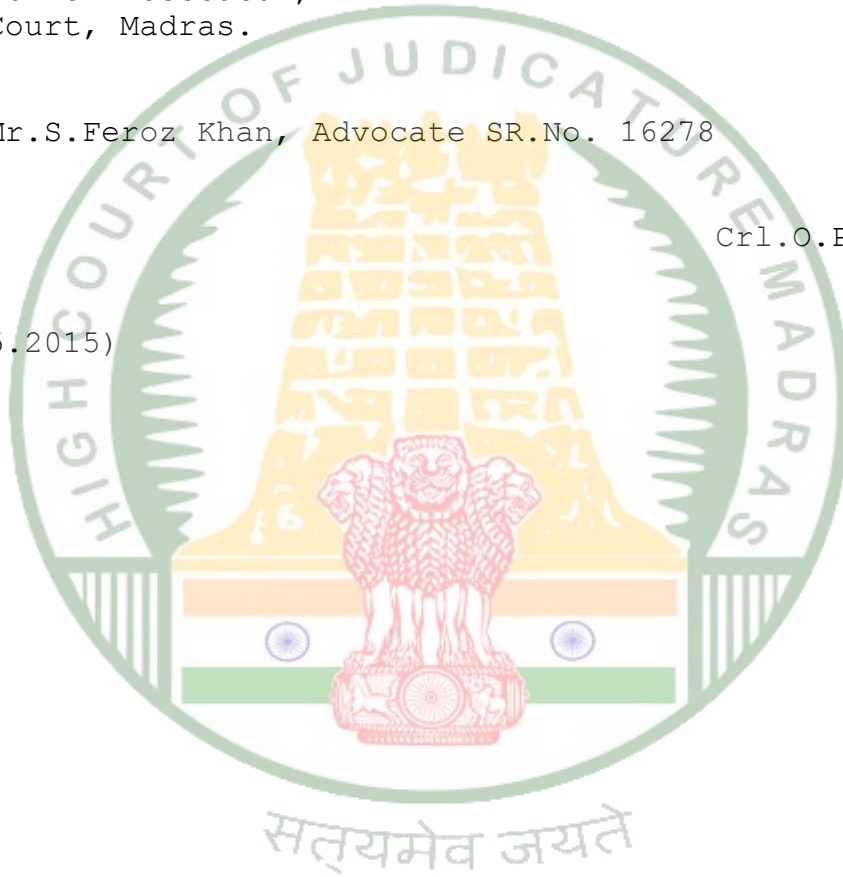
To

1. Inspector of Police,  
Crime Branch, Vellore District
2. The Judicial Magistrate No.V,  
Vellore (Civil Judge, Junior Division)
3. The Public Prosecutor,  
High Court, Madras.

2 CCs to Mr.S.Feroz Khan, Advocate SR.No. 16278

CrI.O.P.No.6778 of 2015

SK (CO)  
PSI (11.05.2015)



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