

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CrI.OP No.9666 of 2015
and
M.P.Nos.1 & 2 of 2015

P.Rajaram

... Petitioner/A7

Vs

1.The State, rep. By its
Inspector of Police,
District Crime Branch,
Sathuvachari, Vellore - 9.

2.Thiru Guruvaiya Naidu

... Respondents/Complainant
& Defacto Complainant

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records pertaining the case in C.C.No.209 of 2011 pending on the file of the learned Judicial Magistrate No.2, Vellore, Vellore District and quash the same in respect of the petitioner/A7 alone.

For Petitioner : Mr.B.Gopalakrishnan
For R.1 : Mr.C.Emalias,
Additional Public Prosecutor

ORDER

Seeking to quash the case in C.C.No.209 of 2011 pending on the file of the learned Judicial Magistrate No.2, Vellore, Vellore District, the petitioner has come up with this petition.

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

3.It is the case of the prosecution that when the petitioner herein was working as Sub Registrar of the Gudiyattam Sub Registrar Office, with the connivance of other accused, he had forged the document in respect of the defacto complainant's property. There are sufficient materials against the petitioner herein for the trial to proceed with. Therefore, this Court cannot interfere with the trial of the case by exercising its power under Section 482 Cr.P.C.

4.The learned counsel for the petitioner himself has fairly pointed out that earlier, the petitioner approached this Court in Crl.O.P.No.26792 of 2011 for the very same relief and the same was dismissed as not pressed by this Court on 18.11.2014 with liberty to the petitioner to take all the defences available to him during the course of trial.

5.Placing reliance on the order passed by this Court in Crl.O.P.No.17055 of 2007 dated 30.08.2007 wherein, under similar circumstances, this Court had quashed the final report in respect of a Sub Registrar who was also similarly implicated, the petitioner has filed the present petition.

6.I have perused the order passed by this Court in Crl.O.P.No.17055 of 2007 dated 30.08.2007. In my considered opinion, the said order has got nothing to do with the facts of the present case. In the said case, the Sub Registrar therein was not involved in the offence whereas, in this case, it is seen that the accused 1 to 6 with the help of A.7, the petitioner herein had forged the document in respect of the property of the defacto complainant. There are sufficient materials against the petitioner herein to proceed with the trial. Thus, I do not find any merit in this petition.

7.In the result, the Criminal Original Petition fails and accordingly, the same is dismissed however, with liberty to the petitioner to raise all the points before the trial Court. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

jbm
To

Sub Assistant Registrar

1.Inspector of Police,
District Crime Branch,
Sathuvachari, Vellore - 9.

2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.B.Gopalakrishnan, Advocate, S.R.No.21144

Crl.OP No.9666 of 2015

KK(CO)
CA(04/05/2015)