

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.04.2017

CORAM:

THE HON'BLE MR.JUSTICE C.T. SELVAM

Crl.O.P.No.7133 of 2012

and

M.P.No.1 of 2012

Alamelu @ Kumari

..Petitioner

Vs.

1.The State represented by
Inspector of Police
Aruvankadu Police Station
arunvankadu-643202
The Nilgiris District

2.A.L.Shankar

.. Respondents

Criminal Original Petition filed under Section 482 of the Criminal Procedure Code praying to call for the records in CC.27/2010 on the file of the Judicial Magistrate, Coonoor and quash the same.

For Petitioner : Mr.K.Raja

For Respondents : Mr.M.Mohammed Riyaz,
Govt.Advocate (crl.side) for R1

No Appearance for R2

ORDER

Petitioners seek quash of proceedings in CC.27/2010 on the file of the Judicial Magistrate, Coonoor.

2. Petitioner is the second accused in case pending in C.C.No.27 of 2010 on the file of learned Judicial Magistrate, Coonoor.

3. Learned counsel for petitioner is at great pains to inform that the defacto complainant who claimed that his father and uncle were persons who were entitled to the property and that very many years after their demise accused persons have forged a document of title in respect thereof, that he was the true inheritor of such property, himself had no right or title to the property as much as the husband of the petitioner moved O.S.No.279 of 1992 on the file of District Musnif, Coonoor against the interference of possession of the property by Union of India represented by Ministry of Defence and the General Manager, Cordite factory, Aruvankadu, and obtained a favourable order under judgment dated 21.12.2004.

4. Ministry of Defence had preferred an appeal in A.S.No.47 of 2005 on the file of Subordinate judge of the Nilgiris at Udhagamandalam and the Appellate Court had found that the property belonged to the Ministry of

Defence. A reading of the charge sheet informs that a false document of title has been prepared and registered. The charge sheet informs that the petitioner herein also if an executant of such document as a vendor. Therefore, it cannot be said that no *prima facie* case is made out against the petitioner. It is not for this Court to appreciate the contention of the learned counsel for petitioner that petitioner whose name is Kumari, stands wrongly implicated as Alamelu @ Kumari. It is for the petitioner to make out such defence before the Trial Court.

This petition shall stand dismissed. Connected miscellaneous petition is closed.

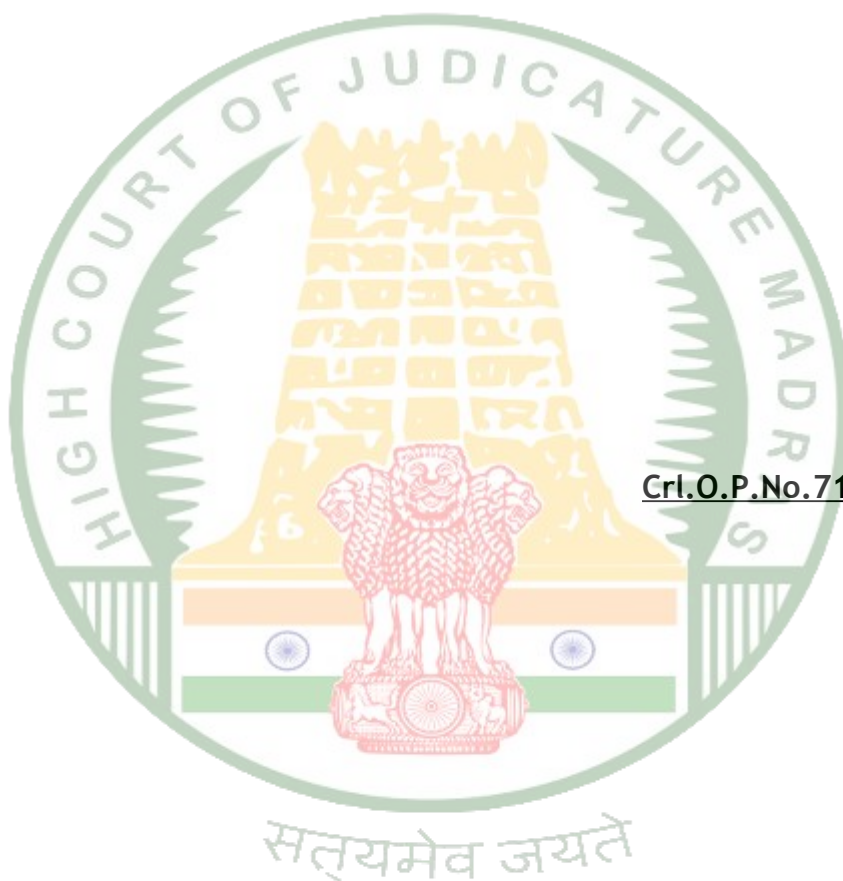
18.04.2017

Index:yes/no
Internet:yes/no
To

1.The Judicial Magistrate, Coonoor

2.The Inspector of Police
Aruvankadu Police Station
Arunvankadu-643202
The Nilgiris District

3.The Public Prosecutor,
High Court, Madras



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