



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.03.2017

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WEB COPY

THE HON'BLE MR.JUSTICE P.N.PRAKASH

CrI.O.P.(MD) Nos.17289 and 21637 of 2016
& CrI.M.P.(MD) Nos.8560, 11121 and 11122/2016

1. K.Savithiri ... Petitioner/A1 in CrI.O.P.(MD) No.17289/2016
2. K.Sujatha ... Petitioner/A2 in CrI.O.P.(MD) No.21637/2016

-vs-

1. The Inspector of Police,
City Crime Branch,
Tirunelveli City,
Tirunelveli District
(Crime No.31/2010) ... Respondent/Complainant
2. H.Vasanthi ... Respondent/Defacto Complainant

Prayer: Petition filed under Section 482 of Code of Criminal Procedure to call for the records from the learned Judicial Magistrate Court No.I, Tirunelveli in C.C.No.242 of 2013 and quash the same, as it has no prima facie case against the petitioner.

For Petitioners : Mr.Ananth C.Rajesh
(in both)
For R1 (in both) : Mr.A.P.Balasubramani
Govt. Advocate (CrI.Side)
For R2 (in both) : Mr.P.Samuel Gunasingh

COMMON ORDER

These petitions have been filed to call for the records from the learned Judicial Magistrate Court No.I, Tirunelveli in C.C.No.242 of 2013 and quash the same against these petitioners/accused.

2. Heard the learned counsel for the petitioners, the learned Government Advocate (CrI.Side) appearing for the State and the learned counsel for R2.

3. On the complaint lodged by the 2nd respondent, the respondent registered a case in Crime No.31 of 2010 and after completing the investigation, filed a final report in C.C.No.242 of



2013 before the learned Judicial Magistrate No.I, Tirunelveli for offences under Sections 463, 464, 467, 468, 471 r/w 420 IPC against Savithiri and others, challenging which, A1 and A2 are before this Court.

4. Learned counsel for the petitioners / accused submitted that the final report does not disclose any offence and it is purely a civil transaction between the parties.

5. Learned counsel for the 2nd respondent refuted the contention.

6. On reading of the final report, it is alleged that Vasanthi is none other than the sister of the petitioners herein and that Vasanthi was living in Gujarat. The property bearing Door No.47-A, NGO-B Colony, Jawahar Nagar originally belonged to one Thirumalai, father of the petitioners and Vasanthi. Thirumalai died on 18.11.2000 and his wife also died on 20.10.2010. Thereafter, in order to usurp the property, the petitioners and other accused created documents, forged the signature of Vasanthi and submitted the same to the Tamil Nadu Electricity Board for transferring the electricity connection in their favour. On coming to know of this, Vasanthi lodged the present complaint, pursuant to which, the Police have filed a final report. It is alleged that the petitioners and other accused have forged the signature of their father Thirumalai, who had died much earlier.

7. On careful reading of the final report and other accompanied documents, this Court is of the view that there are prima facie materials for the trial to proceed and therefore, the same cannot be quashed at the threshold. Therefore, these petitions are dismissed with liberty to the petitioners to raise all the points available with them before the Trial Court. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To:

1. The Judicial Magistrate No.I,
Tirunelveli.

2. -do- thro' The Chief Judicial Magistrate,
Tirunelveli.
<https://hcservices.courts.gov.in/hcservices/>



3. The Inspector of Police,
City Crime Branch,
Tirunelveli City,
Tirunelveli District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 2 CC TO Mr.ANANTH C.RAJESH, ADVOCATE IN SR No. 14984, 14985
+ 2 CC TO Mr.P.SAMUEL GUNASINGH, ADVOCATE IN SR No. 15045, 15047

AR

TE/MR/SAR-IV : 07/04/2017 : 3P/9C

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15.03.2017