



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 28.06.2017

CORAM:

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

CRL.O.P. (MD) .No.7998 of 2017

and

CrI.M.P. (MD) No.5450 of 2017

Kalidoss

: Petitioner

-Vs-

1. State Rep. by
Inspector of Police,
District Crime Branch,
Ramnad,
Ramanathapuram District.
Crime No.44 of 2015.

2. Mr.R.Rampratheeapan,
The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Ramanathapuram.
: Respondents

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code to call for the records pertaining to the charge sheet in C.C.No.38 of 2017 on the file of the learned Judicial Magistrate No.II, Ramanathapuram and quash the same as illegal.

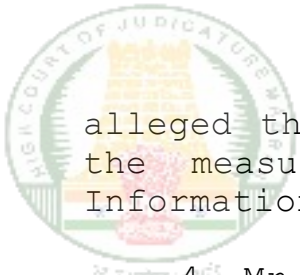
For Petitioner : Mr.K.R.Laxman
For Respondent No.1 : Mr.K.Anbarasan,
Government Advocate (Crl.side)

ORDER

On the complaint lodged by the Revenue Divisional Officer, the respondent police registered a case in Crime No.44 of 2015 and after completing the investigation, have filed a charge sheet in C.C.No.38 of 2017 before the learned Judicial Magistrate No.II, Ramanathapuram, against the petitioner herein, for quashing which, the petitioner is before this Court.

2. Heard Mr.K.R.Laxman, learned counsel for the petitioner and Mr.K.Anbarasan, learned Government Advocate (Criminal side) for the first respondent.

3. It is the case of the prosecution that there was a dispute between the accused and his neighbour with respect to a property in T.S.No.32, Neelakandi Agraharam, in which dispute, it is



alleged that the accused had produced a document by manipulating the measurements of the property therein. Hence, the First Information Report and charge sheet.

4. Mr.K.R.Laxman, learned counsel for the petitioner submitted that the original document is still with the accused and, therefore, there is no question of manipulation of the measurements in the said document.

5. In the considered opinion of this Court, just because original is with the accused, it cannot be stated that he had not presented to the Revenue Divisional Officer a manipulated photocopy of the original to make the Revenue Divisional Officer believe that the said property belongs to him. When there are *prima facie* materials in the charge sheet, it is not a fit case to interfere for quashing the same.

6. In the result, this Criminal Original Petition is devoid of merits and accordingly, the same is dismissed. However, the Trial Court shall proceed with the trial without in any manner being influenced by what is stated above. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

/True copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate No.II,
Ramanathapuram.
2. The Inspector of Police,
District Crime Branch,
Ramnad, Ramanathapuram District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

SML

PSM/GT/SAR2/10.07.2017/2P/4C

Order made in
CRL.O.P. (MD) .No.7998 of 2017

Dated: 28.06.2017