



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.O.P. (MD) No.9043 of 2017

and

CRL.M.P. (MD) Nos.6138 & 6139 of 2017

WEB COPY

D.Simpson

..Petitioner/1st Accused

-Vs-

1. State represented by
The Inspector of Police,
Anti Land Grabbing Special Cell,
Nagercoil, Kanyakumari District.
Crime No.44 of 2012.

..1st Respondent/Complainant

2.Gopinathan Nair

..2nd Respondent/De-facto complainant

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code, to call for the records pertaining to the proceedings in C.C.No.51 of 2017, on the file of the learned Judicial Magistrate Court No.1, Nagercoil and quash the same as against the petitioner herein.

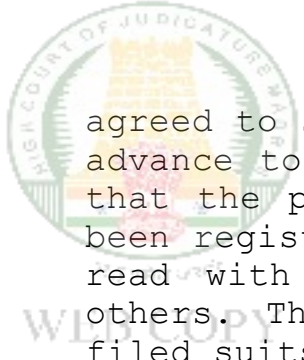
For Petitioner	: Mr.T.Selvan
For 1 st Respondent	: Mr.K.Anbarasan
	Government Advocate (Crl.Side)
For 2 nd Respondent	: Mr.T.Arul.

O R D E R

This Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, to call for the records pertaining to the proceedings in C.C.No.51 of 2017 on the file of the learned Judicial Magistrate Court No.1, Nagercoil and quash the same as against the petitioner herein.

2. Heard Mr.T.Selvan, learned counsel appearing for the petitioner and Mr.K.Anbarasan, learned Government Advocate (Crl.Side) appearing for the first respondent and perused the records. Mr.T.Arul, learned counsel appearing for the second respondent/defacto complainant, though, has not filed vakalat, has undertaken to file vakalat today and hence he was also heard.

3. The defacto complainant, namely, the second respondent has given a complaint alleging that the petitioner has forged a sale agreement, dated 11.03.2009 as if the defacto complainant has



agreed to sell his property and received a sum of Rs.1,00,000/- as advance to the property. The allegation against the petitioner is that the petitioner has forged the document. A criminal case has been registered under Sections 120(b), 420, 465, 468, 471 of IPC., read with Section 34 of IPC., against the petitioner and two others. The petitioner as well as the defacto complainant has filed suits before the Court below regarding the same dispute.

4. The petitioner is the first accused in this case and having regard to the nature of the complaint in this case, the pendency of Civil Suit for specific performance or any other suit filed by the landlord for eviction cannot hamper the proceedings in C.C.No.51 of 2017, before the Criminal Court, when serious allegation of forgery is made. Further the case of petitioner denying the allegation in the FIR is a matter for evidence and hence, this Court is not inclined to entertain this petition. Hence, this Criminal Original Petition is **dismissed**. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar (CS-II)

/True copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate No.1,
Nagercoil.
2. The Inspector of Police,
Anti Land Grabbing Special Cell,
Nagercoil, Kanyakumari District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.T.ARUL, Advocate, SR No. 66002.

+1 CC to M/s.T.SELVAM, Advocate, SR No. 66067.

DAS/PJL

PSM/MR-KKR/SAR2/26.07.2017/2P/6C

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17.07.2017