

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2018

CORAM:

THE HONOURABLE MR. JUSTICE M. NIRMAL KUMAR

Crl.OP.No.17969 of 2011

Ramadass

.. Petitioner

Vs.

1.State : represented by
The Inspector of Police,
"D"Nagar Police Station,
Pondicherry

2.Jamuna Rani

3.Kavitha

.. Respondents

PRAYER: Criminal Original Petition is filed under section 482 of Cr.P.C to call for the records in C.C. No.1047 of 2005 on the file of the Judicial Magistrate No.II, Puducherry and quash the same.

For Appellant : Mr. B.Shruthan
for Mr.K.Chandrasekaran

For Respondents: Mr. Bharathachakravathy
Public Prosecutor (Pondicherry) -R1
No Appearance -R2 & R3

O R D E R

The prayer in the present petition is to call for the records and quash all further proceedings in C.C. No.1047 of 2005 on the file of the Judicial Magistrate No.II, Puducherry.

2. Heard Mr.B.Shruthan learned counsel appearing for the petitioner and Mr. Bharathachakravathy, learned Public Prosecutor (Pondicherry) appearing on behalf of the respondent.

3. The petitioner is the first accused in C.C. No. 1047 of 200 on the file of the Judicial Magistrate -II, Pondicherry. It is now represented by the learned public prosecutor that the case been transferred to the file of learned Judicial Magistrate No.I, Pondicherry on jurisdictional grounds and re-numbered as C.C. No. 697/2015.

4. The learned counsel for the petitioner submitted that, since the property situated in the State of Tamil Nadu, the Judicial Magistrate No.I, Pondicherry has no territorial jurisdiction and the alleged forged documents are with the Tamil Nadu Sub Registrar Office viz., Sub Registrar Office, Vanur, Tindivanm Taluk and not at Puducherry. The further contention raised by the petitioner is that the petitioner is working in CPWD which is outside the JIPMER, therefore, the respondent had no power to investigate into the matter and the FIR also does not disclose any offence having been made.

5. Per contra, the learned Public Prosecutor(Puducherry) submits that between 1999 and 04.06.2001, the office of the CPWD was inside JIPMER Hospital campus, which is within the jurisdiction of the Judicial Magistrate-II, Pondicherry, hence it had jurisdiction to try the offence .

6. The informant in the above case was defrauded by the accused using forged documents in registering sale deeds. The informant after purchase of the said property, when she attempted to take possession of the said property, she was objected by one Vijayan by claiming that he had purchased the said property after valid consideration from one Anbulingam, who is the relative of the second accused and also acted as power agent of the first accused. The said first accused being a power agent of Valliammai and Jayaramu had further delegated his powers illegally to his relative, hence this de-facto complainant was cheated.

7. On completion of the investigation, the forgery committed by the accused by creating forged sale deed documents in connection with the above said property reveals complicity of the accused. Hence, the final report under Section 420, 468 r/w 34 IPC has been filed. The further contention made by the learned Public Prosecutor (Puducherry) is that there are sufficient witnesses and documents to proceed with the case against the accused.

8. On considering the submissions made by the leaned counsel, it is seen that the grounds raised by the petitioner are not sustainable and it is only on technical grounds of jurisdiction, the competent police have investigated the case and filed a final report before the competent trial Court and hence the grounds raised by the petitioner are not sustainable.

9. It is now submitted by the learned Public Prosecutor (Puducherry) that the case has been pending from the year 2005 without any progress. It is further submitted that the petitioner herein is the first accused in C.C. No. 1047 of 2005 and NBW is also pending and he had not taken any steps to

participate in the trial and the summons are yet to be served to A2.

10. The learned counsel appearing for the petitioner submitted that he has got no instructions and his steps to contact the petitioner ends in futile, which shows that the petitioner is not inclined to pursue the above quash petition.

11. In such circumstances, the trial Court is directed to take effective coercive steps through the respondent to get execute the NBW and serve summons to A2 and complete the process within period of two months from the date of receipt of a copy of this Order and thereafter complete the trial within a period of three months.

With the above directions, the Criminal Original Petition stands dismissed.

Sd/-
Assistant Registrar (CS VI)

//True copy//

Sub Assistant Registrar

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To

1. The Judicial Magistrate No. II,
Puducherry.

2. The Public Prosecutor,
Puducherry.

3. The Inspector of Police,
D Nagar, police Station,
Pondicherry.

+1cc to Government Pleader (Pondicherry) SR.No.42531

AK (CO)
GN (26/07/2018)

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