

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 06.07.2018
CORAM

THE HONOURABLE Mrs.JUSTICE R.HEMALATHA

CRL.O.P.No.31256 of 2012
and
M.P.Nos.1 & 2 of 2012

K.T.Sakthivel

.. Petitioner/11th Accused

Vs.

State by Inspector of Police,
Tiruchengode Rural Police Station,
Tiruchengode.

.. Respondent/complainant

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the records in P.R.C.No.38 of 2012 on the file of Judicial Magistrate, Tiruchengode and to quash the same.

For Petitioner : Mr.A.K.Kumarasamy
For Respondent : T.Shunmugarajeswaran
Government Advocate (Crl.Side)

O R D E R

The petitioner is the 11th accused in Cr.No.210/2011 of Tiruchengode Rural Police Station for the alleged offences punishable under Sections 467, 471 r/w 120 (B) IPC.

2. One Thiru.Arthanari Samy/defacto complainant lodged a complaint with the Inspector of Police, Tiruchengode Rural Police Station against the accused contending that on 11.05.2011 they threatened him to sign a document on 11.05.2011. The Inspector of Police, Tiruchengode Rural Police Station, after concluding investigation, filed a final report in P.R.C.No.38/2012 before the Judicial Magistrate, Tiruchengode.

3. The case of the prosecution is that the accused 1 to 11 conspired with each other and committed the offences punishable under Sections 467, 471, 395, 397 r/w 120 (B) IPC. As regards the present accused is concerned the offences alleged are 467, 471 r/w 120 (B) IPC.

4. The petitioner was the then Sub-Registrar, Pallipalayam. His contention is that he is now retired from service and that though there are no allegations against him in the FIR, the Inspector of Police had erroneously included him in the charge sheet in P.R.C.No.38/2012 on the file of the learned Judicial Magistrate, Tiruchengode.

5. Mr.A.K.Kumarasamy, the learned counsel appearing for the petitioner would contend that even in the FIR in Cr.No.210/2011 there are no allegations against the Sub-Registrar/the petitioner herein and therefore the final report filed against the Sub-Registrar/the petitioner herein is liable to be quashed.

6. Per contra, the learned Government Advocate (Crl.Side) on instructions would contend that the District Registrar conducted an enquiry and in his report has specifically mentioned that the petitioner had admitted that the document No.1339/2011 was executed under threat and coercion.

7. In the instant case, even as per the versions of the Sub-Registrar, he had come out of his office and got the signature of the executant, who was sitting inside a car. When he found two other persons sitting inside the same car, he should have enquired into the matter. The enquiry report submitted by the District Registrar shows that document No.1339/2011 was executed by the de-facto complainant under threat and coercion.

8. In the facts and circumstances, I do not find any reason to quash the proceedings in PRC.No.38/2012 on the file of the Judicial Magistrate, Tiruchengode.

9. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

dss

To

1. The learned Judicial Magistrate,
Tiruchengode.
2. The Inspector of Police,
Tiruchengode Rural Police Station,
Tiruchengode.
3. The Public Prosecutor,
High Court, Madras.

+1cc To Mr.S.Kaithamalai Kumaran, Advocate, S.R.No 43883

CRL.O.P.No.31256 of 2012

AK(CO)

BM 26/07/2018