



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.02.2018

CORAM

THE HONOURABLE MR. JUSTICE R.PONGIAPPAN

Crl.O.P. (MD) No.2083 of 2013
and
M.P. (MD) No.1 of 2013

1.Karuppiah
2.Mayakkal
3.Vanapetchi
4.Karthick
5.Kathiravan
6.Sundarambal
7.Veeramuthu ... Petitioners/ Accused Nos. 2 to 6 , 9 & 10

Vs.

1.State represented by
The Inspector of Police,
District Crime Branch,
Dindigul District.
(Crime No.34 of 2012) ... 1st Respondent/Complainant

2.J.Senthilkumar ... 2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to case in Crime No.34 of 2012 on the file of the Inspector of Police, District Crime Branch, Dindigul District and quash the same.

For Petitioners : Mr.R.Anand
For R-1 : Mr.A.Robinson
Government Advocate (Crl. Side)
For R-2 : Mr.D.Selvaraj

O R D E R

This Criminal Original Petition has been filed to call for the records pertaining to the case in Crime No.34 of 2012 on the file of the Inspector of Police, District Crime Branch, Dindigul District and quash the same.



2.The petitioners herein are arrayed as A2 to A6, A9 and A10 in Crime No.34 of 2012 on the file of the Inspector of Police, District Crime Branch, Dindigul District. According to prosecution, the second respondent/defacto complainant lodged a complaint before the first respondent police, in which, he alleged that he is holding a property in Survey Nos.371 and 372, measuring to an extent of 3.99 acres situated at Perumalkovilpatti, Adiyannuthu Village. The second respondent further added that a sale agreement, dated 18.01.2007, has been executed between him and one K.Balamurugan and thereafter, the said K.Balamurugan has not come forward to complete the sale by way of remitting the balance amount, within the time as mentioned in the sale agreement. Therefore, the second respondent/defacto complainant has filed a civil suit in O.S.No.75 of 2010 before the Additional District Court, Dindigul, whereupon, a final decree has been passed, in which, the right of the second respondent in respect of the above said property was upheld.

3.In the above circumstances, the second respondent made further allegation that the second petitioner with a view to encumber the above said property, has hatched conspiracy along with the other accused persons, created a false sale deed as if they purchased the said property from one Mayakkal on 29.12.2010. Further, he added that on 09.01.2012, the petitioners 3 to 5 herein created a sale deed in favour of one Kalpanadevi and the said sale deed is not cancelled so far. Apart from that, the second respondent made an allegation against the petitioners 3 to 5 that they have also created yet another bogus sale agreement dated 22.05.2006 in favour of the 6th petitioner herein. He further alleged that subsequently on 29.07.2010, they executed a sale deed in favour of one Duraisamy one Karuppiyah, S/o.Karuppannan. Thereafter, one Veeramuthu/the seventh petitioner herein, S/o.Duraisamy, without having any valid title to the said property, executed the sale deed to one Kavitha on 13.07.2010.

4.The learned counsel appearing for the petitioners submitted that the petitioners herein are all no way connected with the alleged occurrence as stated by the second respondent. On the other hand, the learned counsel appearing for the second respondent and the learned Government Advocate(Criminal Side) appearing for the State submitted that only investigation would reveal whether the petitioner are committed the forgery as alleged by the second respondent or not.

5.Upon considering the oral and documentary evidence and also considering the submission made by the learned counsel appearing on either side, this Court comes to the conclusion that the factum of forgery has to be proved only by way of evidence. Further, in order to place the reliance in the averment of F.I.R, thorough enquiry with regard to the forgery is necessary to conclude that the



petitioners herein have committed the forgery or not. Without examining any evidence and without collecting any documents, which was mentioned by the second respondent, no result will be arrived to find out the truth. So, the submissions made by the petitioners to quash the F.I.R. is not a reasonable one.

6. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (P&A)

/True Copy/

Sub-Assistant Registrar

To

1. The Inspector of Police,
District Crime Branch,
Dindigul District.

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

Msa
RL/3C/3P/KKR/SAR4/26/2/2018

Crl.O.P. (MD) No. 2083 of 2013
and
M.P. (MD) No. 1 of 2013
12.02.2018