



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.02.2018

CORAM

THE HONOURABLE MR. JUSTICE **R. PONGIAPPAN**

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Crl.O.P. (MD) No. 6985 of 2013
and
M.P. (MD) Nos. 1 & 2 of 2013

V. Natarajan ... Petitioner/ Accused No. 2

Vs.

1. State,
Represented by the The Inspector of Police,
District Crime Branch,
Thanjavur. ... Respondent//Complainant

2. E. Veera Rajendran ... 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 C.C.No.819 of 2012 pending on the file of the learned Judicial Magistrate, Pattukkottai and to quash the same as against the petitioner.

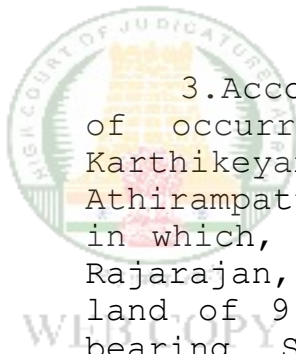
For Petitioner : Mr.D.Rameshkumar

For R-1 : Mr.A.Rabinson
Government Advocate (Crl. Side)

O R D E R

This Criminal Original Petition has been filed to call for the records pertaining to C.C.No.819 of 2012 pending on the file of the learned Judicial Magistrate, Pattukkottai and to quash the same as against the petitioner.

2. The petitioner herein is the second accused in C.C.No.819 of 2002 pending on the file of learned Judicial Magistrate, Pattukkottai, Thanjavur District. Based on the complaint given by the second respondent, a case has been registered against the petitioner and two other accused for the offences punishable under Sections 120-B, 467, 468, 471, 419, 420 r/w 109 I.P.C., After investigation, charge sheet has been filed by the first respondent police and the same was taken on file by the learned Judicial Magistrate, Pattukkottai in C.C.No.819 of 2012.



3. According to prosecution, it is alleged that during the time of occurrence, in order to help the first accused, namely, Karthikeyan, the petitioner herein being the Sub Registrar of Athirampattinam made conspiracy and registered a Power of Attorney, in which, it is alleged that the five brothers of A1 including one Rajarajan, who was already died in the year 2012, with regard to land of 9 acres and 15 cents situated in Thambikkottai Melakkadu bearing Survey Nos. 3/3, 3/6A, 3/6B, 31/3B and 31/3C and Krishnapuram Survey Nos. 58/1, 58/4, 58/8 and 31/4 for the purpose of giving collateral security towards the loan amount that was to be fraudulently received by A1 from the State Bank of India, Pattukkottai.

4. Now, on go through the alleged power of attorney, in which, it was registered on 22.08.2005 and it appears that the signatures of the brothers of A1 were obtained by this petitioner, based on the Ration Card, Passport Book issued in favour of them. Further, one Rajappa, and Parameswaran had signed as witnesses for identifying the persons, who gave a power in favour of the first accused in this case. Accordingly, only as per identification of the attester, signature were obtained by this second accused. Otherwise, there is no evidence to put forth that the petitioner herein made conspiracy with the first accused herein.

5. Further more, in this case, the person who identified the forged person was not added as an accused, it shows that the investigating agency did not approach this case properly during the time of investigation. Being the Sub Registrar, his duty to examine and registering the documents is not an offence.

6. Accordingly, the allegation levelled against this petitioner is not substantiated by any documents. So, filing of the charge sheet against the petitioner is a clear abuse of process of law.

7. Accordingly, this petition is allowed and the charge against the petitioner/Accused No.2 is quashed. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (T&P)

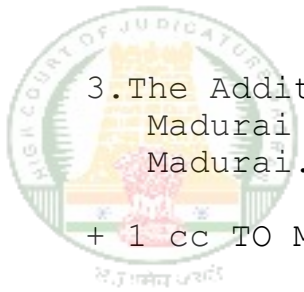
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Sub Assistant Registrar

To

1. The Judicial Magistrate,
Pattukkottai.

2. The Inspector of Police,
<https://hcservices.ecourts.gov.in/hcservices/>
District Crime Branch,
Thanjavur.



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

+ 1 cc TO Mr.S.Deenadhayalan , Advocate in SR No. 46118

msa

AE/SV-MMS/SAR4/23.02.2018/3P/5C

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