



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.03.2019**

CORAM:

THE HONOURABLE MR.JUSTICE **N.SESHASAYEE**

CrI.O.P.[MD].No.1659 of 2019

and

CrI.M.P.(MD)Nos.886 & 887 of 2019

Periyasamy : Petitioner/Accused No.3

Vs.

1.The State represented by
The Inspector of Police,
Alagappapuram Police Station,
Sivagangai District. :1st Respondent/Complainant

2.Alagusundar : 2nd Respondent /
Defacto complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the impugned charge sheet in C.C.No.126 of 2018 on the file of the Learned Judicial Magistrate, Karaikudi, Sivagangai District and quash the same as illegal, in so far as the petitioner is concerned.

For Petitioner : Mr.C.Kishore

For R-1 : Mr.A.P.G.Ohm Chairma Prabhu,
Government Advocate (Criminal Side)

ORDER

The Criminal Original Petition is filed seeking to quash C.C.No.126 of 2018, on the file of the Judicial Magistrate Court, Karaikudi, Sivagangai District.

2.The case of the prosecution of the prosecution is that the defacto complainant had purchased 14 ¼ cents of the land from one Vellaichamy on 17.06.2015. Thereafter, one Muthaiah/A, son of Vellaichamy had created Inam settlement document dated 07.03.2008 as if the same was executed by his father and sold the same to one Kannan/A2 on 13.11.2016. After knowing the same as forged one, the said Kannan/A2 purchased the same.

3.The learned counsel appearing for the petitioner submitted that the petitioner is a tenant under A2 and there is no specific overt act attributed as against the petitioner and that he had not been involved in the alleged offence. Further, no material is placed by the Investigating Agency, which are worthy for framing of charge against the petitioner/A3.



4. Heard the learned Government Advocate (criminal side) for the first respondent and perused the statement of the witnesses.

5. This Court, after carefully gone through the materials on record, finds that the petitioner/A3 is a tenant under A2 and there is no specific overt act attributed as against the petitioner and he had not involved in the offence. Therefore, this Court does not find any material to frame any charge as against the petitioner/A3. Accordingly, the final report is quashed only as regards the petitioner/third accused is concerned.

6. In the result, this Criminal Original Petition is allowed and the impugned charge sheet in C.C.No.126 of 2018, on the file of the learned Judicial Magistrate, Karaikudi, Sivagangai District, is hereby quashed. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CRL SIDE)

// True Copy //

Sub Assistant Registrar (CS)

Ls

To

1. The Judicial Magistrate,
Karaikudi, Sivagangai District.
2. The Inspector of Police,
Alagappapuram Police Station,
Sivagangai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC TO MR.C.KISHORE, Advocate Sr. No. 51542

Cr1.O.P.[MD].No.1659 of 2019

TR (03.04.2019) 2P 5C