



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.12.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CrI.O.P.(MD)No.19288 of 2015

and

M.P.(MD)Nos.1 and 2 of 2015

Chakravarthi ... Petitioner/Accused No.5

-vs-

1.State represented by
The Inspector of Police,
City Crime Branch,
Trichy. ... 1st Respondent/Complainant
(Crime No.32 of 2010)

2.R.Uma Rani ... 2nd Respondent/Defacto Complainant

PRAYER: Petition filed under Section 482 of the Criminal Procedure Code to call for the records pertaining to the proceedings in C.C.No.146 of 2015 on the file of the Judicial Magistrate No.III, Trichy and quash the same as illegal with regard to the petitioner.

For Petitioner: Mr.T.Lenin Kumar

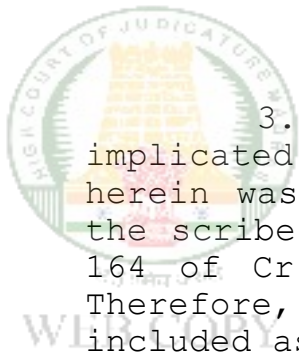
For R1 : Mr.A.Robinson,
Government Advocate (CrI.side)

For R2 : Mr.AL.Kannan

O R D E R

Heard the learned counsel on either side.

2.The defacto complainant is one Uma Rani who is shown as the second respondent in this Criminal Original Petition. She lodged a complaint before the City Crime Branch, Trichy, leading to registration in Crime No.32 of 2010. The grievance of Uma Rani is that her property was made to the subject matter of the sale agreement in favour of the first accused Raja. According to her, she never executed any sale agreement in favour of Raja. Based on the forged sale agreement dated 05.07.2008, a suit for specific performance came to be filed against the defacto complainant.



3.In fact, in her complaint, the defacto complainant implicated only Raja, Kannan and one Krishnan. The petitioner herein was not implicated. But during the course of investigation, the scribe of the offending document gave a statement under Section 164 of Cr.P.C., in which the petitioner's role was brought out. Therefore, while laying the final report, the petitioner was also included as fifth accused.

4.The learned Trial Magistrate took cognizance of the offences under Sections 420, 465, 468, 471 and 120(b) of the IPC. The case was taken on file in C.C.No.146 of 2015. To quash the same this Criminal Original Petition came to be filed.

5.The learned counsel for the petitioner would submit that he is not the beneficiary under the offending document. In fact, except accompanying the first accused to the Scribe's office, he did not play any other role. In this case, the scribe had given a statement under Section 164 of Cr.P.C. The petitioner now states that he is willing to support the prosecution case and give testimony in support of the prosecution.

6.Even if the entire materials enclosed in the typed set of papers are taken to be true, still no offence is made out against the petitioner. Except accompanying the first accused to the office of scribe, he had not played any other role.

7.Recording the undertaking of the petitioner that he will depose as a prosecution witness in support of the prosecution, the impugned proceedings are quashed as far as the petitioner is concerned.

8.Accordingly, this Criminal original Petition is allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

pnn

To

1. the Judicial Magistrate No.III, Trichy.

2.The Inspector of Police,
City Crime Branch,
Trichy.

<https://hcservices.ecourts.gov.in/hcservices/>



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

+1 CC to Mr.T.LENIN KUMAR, Advocate (SR-103205[F] dated
03/12/2019)

+1 CC to Mr.AL.KANNAN, Advocate (SR-103306[F] dated 04/12/2019)

Crl.O.P. (MD) No.19288 of 2015

and

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03.12.2019

VB (03.06.2020) 3P 6C