



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.09.2019

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl. OP(MD)No.2439 of 2015

and

MP(MD)No.1 of 2015

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Ramesh

... Petitioner/Accused No.3

Vs.

1.State, rep.by

The Inspector of Police,
Theni Police Station,
Theni District.

... Respondent / Complainant

2.Ethiraj

... Respondent / Defacto
Complainant

Prayer : Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records in charge sheet C.C No.491 of 2014 on the file of the Judicial Magistrate, Theni and quash the same.

For Petitioners : Mr.D.Christenson Jugunu

For Respondents : Mr.A.Robinson,

Government Advocate (crl.side) for R1
Mr.M.Ananthapadmanabhan for R2

ORDER

The petitioner herein is shown as A3 in C.C No.491 of 2014 on the file of the Judicial Magistrate, Theni. The second respondent is the defacto complainant. Based on his complaint, the first respondent registered Crime No.2592 of 2010. Investigation was taken up and final report was filed against one Palani and 9 others. The case was taken on file by the court below for the offences under Sections 465, 467, 468, 471, 420, 120(b) r/w.34 IPC. To quash the same, this O.P has been filed.

2.Heard the learned counsel on either side.

3.The case of the defacto complainant is that the petitioner herein was inimically dispossessed towards him. The petitioner is both a document writer as well as Advocate. Out of good faith, the second respondent herein had approached the petitioner to avail his service in the matter of registering certain documents. The petitioner's wife was to purchase a property. The sale deed in question was prepared by the petitioner. After the registration formalities were over, the defacto complainant and his wife came out



of the office. Thereafter, once again, the wife of the defacto complainant was called and her signature was taken on a paper on which her photograph was affixed. The defacto complainant's wife was under the genuine impression that her signature was omitted to be taken earlier and that is why it was being obtained again.

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4.The specific allegation of the second respondent is that the said signature was misused and forged. A power of attorney was prepared on the very same date and also registered. The power of attorney runs to 7 pages. Except the signature at Page No.5, all the other signatures attributed to the defacto complainant's wife Uma are forged. The forensic report is also in support of the prosecution case. The contentions urged by the learned counsel for the petitioner are not the grounds for quashing the impugned prosecution. They will have to be urged and established only in a regular trial. In this view of the matter, this petitions stands dismissed. Connected miscellaneous petition is also dismissed.

5.However, the personal appearance of the petitioner before the court below is dispensed with. Of course, he will have to appear for answering the charges and examination under Section 313 of Cr.PC and again at the time of pronouncement of judgement. Except these three occasions, on all other hearing dates, he will have to be represented by a counsel. If the counsel also fails to appear, the court below will be justified in issuing NBW against the petitioner.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

Skm

To

1.The Judicial Magistrate, Theni.

2.The Inspector of Police, Theni Police Station, Theni District.

+1 CC to M/s.APN LAW ASSOCITES, Advocate SR-90494.

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and

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