

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 22.01.2020
CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.23145 of 2012

A.M.Nizar ... Petitioner/10th Accused
Vs.

1.State Rep. By
The Inspector of Police,
Kunnathur Police Station,
Tiruppur District.
(Cr.No.1188 of 2010)

2.A.Rangasamy ... Respondents/Complainant

Prayer: This petition has been filed under Section 482 of Cr.P.C., seeking to call for the records in C.C.No.162 of 2011 on the file of the the District Munsiff cum Judicial Magistrate, Perundurai, in crime No.1188/2010 on the file of the respondent police and quash the same.

For Petitioner : Mr.S.Sivakumar

For R1 : Mr.C.Iyyapparaj

For R2 : Mr.R.Ezhilarasan

O R D E R

This criminal original petition has been filed seeking to call for the records in C.C.No.162 of 2011 on the file of the the District Munsiff cum Judicial Magistrate, Perundurai, in crime No.1188/2010 on the file of the respondent police and quash the same.

2.The petitioner herein has been arrayed as A10. The case of the prosecution is that the first accused is the purchaser, Accused Nos. 2 to 5 are the vendors, Accused Nos.6 to 8 are the witnesses and Accused No.9 is the document writer and scribe of the document number 2136 of 2009 dated 20.04.2010. The

petitioner herein was the former Sub-Registrar of Kunnathur. According to the prosecution all the accused have indulged in a criminal conspiracy and created a forged sale deed involving the property belonging to one A.Rangaswamy (defacto complainant) situated in S.F.No.224/8, Santhi Palayam Village and they have presented the said forge sale deed before the Sub-Registrar, Kunnathur, who is the petitioner herein and the petitioner has registered the document without collecting stamp duty and without verification of proper revenue records and thereby caused loss to the Government and hence, he committed the offence.

3.On filing the final report, the case has been taken on file in C.C.No.162 of 2011 on the file of the District Magistrate Cum Judicial Magistrate, Perundurai. Now, the petitioner has come forward with the present petition seeking to quash the above said proceedings pending in C.C.No.162 of 2011.

4.The learned counsel for the petitioner would submit that the dispute between the matter pertains to Civil Dispute between second respondent/defacto complainant one A.Rangaswami and the first accused in the crime namely V.A.Visuwanathan and the said first accused has filed an affidavit of undertaking before this Court to the effect that he would not claim any title or ownership in respect of the subject property measuring 21/2 cents situated in S.F.No.224/8 Santhi Palayam Village and that he would work out his remedy before the competent Civil Court wherein Civil suits have already been filed by both the parties in respect of the very same subject property and therefore he prays this Court to quash the proceedings pending against the petitioner herein.

5.This Court, vide order, dated 22.1.2020 in CrI.O.P.No.1069 and 3062 of 2012, while considering the affidavit of undertaking filed by the Accused No.1, namely, V.A.Viswanathan, quashed the proceedings pending in C.C.Nos.161 of 2011 and 162 of 2011 pending on the file of the Judicial Magistrate, Perundurai.

6.In view of the above, since the petitioner herein is A10 in the above C.C.No.161 of 2011 and already this Court quashed the proceedings as against the main accused A1 and others, the proceedings pending as against the petitioner herein are also hereby quashed.

7. Accordingly, the Criminal Original Petition is allowed and the proceedings in C.C.No.162 of 2011 pending on the file of the Judicial Magistrate, Perundurai are hereby quashed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

gbi
To

1. The Inspector of Police,
Kunnathur Police Station,
Tiruppur District.

2. The District Munsiff cum Judicial Magistrate,
Perundurai.

3. The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

+1 cc to Mr.S.Sivakumar Advocate sr4671

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