



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.03.2020

CORAM:

THE HONOURABLE **DR.JUSTICE G.JAYACHANDRAN**

WEB COPY

Crl.O.P.(MD)No.16009 of 2016
and Crl.M.P.(MD)Nos.7718 & 7719 of 2016

1.Selvaraj
2.Rajendran

... Petitioners

Vs.

1.State Rep by
Inspector of Police,
City Crime Branch,
Trichy City.
(Crime No.45 of 2010)

2.Gopi

3.Nalina

4.Arivalagan

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records relating to C.C.No.307 of 2016 pending on the file of the learned Judicial Magistrate No.II, Tiruchirappalli and quash the same.

For Petitioners : Mr.S.Deenadhayalan

For R1 : Mr.K.Suyambulinga Bharathi,
Government Advocate(Crl.side)

ORDER

These petitioners are arrayed as A3 and A4 in C.C.No.307 of 2016 pending on the file of the learned Judicial Magistrate No.II, Tiruchirappalli.

2.The case of the prosecution is that one Chellammal, who is a refugee from Srilanka, has impersonated herself as Vijaykumari, wife of Palaniyandi and has fabricated document and created power of attorney in favour of one Shanthi and in the said power of attorney deed, these petitioners have signed as witnesses identifying the executant namely Vijaykumari, knowing very well



that she is not Vijaykumari, but Chellammal.

3. Pursuant to this, a suit has been filed before the District Munsif Court, Trichy in O.S.No.1132 of 2010 in the name of Vijayakumari. By virtue of the forged document, plot in survey Nos.158/1 and 158/2B, situated in Pratioor village, Sirrangam Taluk, Trichy District, which is owned by the defacto complainant, sought to be alienated and an attempt was made to sell the property of the defacto complainant. In this context, the petitioners herein have identified a wrong person as Vijaykumari. Hence prosecution has been launched against the petitioners and others for the offence under Sections 419, 468 and 471 IPC.

4. The learned Government Advocate(Crl.side) appearing for the respondent police would submit that the second petitioner has arrayed as A4 in C.C.No.307 of 2016, has no more and charges have abated. As far as the first petitioner, who is arrayed as A3, is concerned, having identified Chellammal as Vijaykumari in the power of attorney deed, this petitioner along with deceased second petitioner have connived to create forged document in order to grape the property of the defacto complainant. Since *prima facie* material available and sufficient to prosecute against the petitioner, the Government Advocate(Crl.side) would submit that there is no merit in this petition.

5. On perusing of the case records, this Court is of the opinion that having knowingly adduced and identified a impersonated person, namely Chellammal as Vijayakumari, who is arrayed as A2, the first petitioner has to be prove his innocence only during the trial and it is not a case for quash. Hence, this criminal original petition is dismissed. The learned Judicial Magistrate No.II, Tiruchirappalli is directed to expedite the trial in C.C.No.307 of 2016 and dispose of the same at the earliest. If the first petitioner herein is willing to appear through his counsel by applying under Section 205 Cr.P.C., same can be considered. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



To

1.The Judicial Magistrate No.II,
Tiruchirappalli

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

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

+1 CC to M/s.S.DEENADHAYALAN, Advocate (SR-11702[F] dated
13/03/2020)

Crl.O.P. (MD)No.16009 of 2016

12.03.2020

CV/ (12.05.2020) 3P 5C