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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CRL.O.P.NO.20196 OF 2018

AND

CRL.M.P.NO.10789 OF 2018

K.Vijayakumar

...Petitioner

Vs

1.The Inspector of Police,
Erode North Police Station,
Crime No.909/2006,
Erode District.

2.Poongodi

...Respondents

This Criminal Revision Petition is filed under Sections 397 read with Section 401 of Cr.P.C. to call for the records relating to the Criminal Case in CC.No.428 of 2013 on the file of the learned Chief Judicial Magistrate, Erode and quash the same.

For Petitioner : Mr.N.Manokaran

For Respondents : Mr.C.E.Pratap R1
Government Advocate
M/s.Poongodi For R2

O R D E R

Challenging the order of dismissal of discharge petition by the learned Chief Judicial Magistrate, Erode, the petitioner has filed the present petition invoking the inherent powers of this Court under Section 482 of Cr.P.C.

2. The petitioner ultimately prays for quashing the case filed against him in CC.No.482 of 2015 lying on the file of the learned Chief Judicial Magistrate, Erode.

3. The facts in brief leading to file this case are as follows:

It is the contention of the prosecution that the accused 1 and 3 to 8 created a forged documents and usurped the lands of the defacto complainant and forcibly evicted her from the property. The allegation against the petitioner, who is arrayed



as the second accused is that being a document writer, the petitioner created false documents and thereby, aided the other accused in snatching away the property of the defacto complainant. Based on the complaint filed by the defacto complainant, the respondent police registered a case against the petitioner for alleged offence under Section 467 of IPC read with Section 109 and 471 of IPC.

4. The learned counsel for the petitioner submitted that the petitioner was working as document writer in Karungalpalayam Village, Erode District. It is the profession of the petitioner to prepare documents in the name of the buyer and seller. The petitioner does not have to go into the details of the parties and cross check the truth or otherwise of the intention of the parties to sell or buy the properties. The petitioner, in his capacity, as document writer as merely prepare the document for a fee to the execution of the document. The role of the petitioner was found only to prepare the documents, Hence, he prays to allow this petition.

5. Heard the learned Government Advocate and the learned counsel for the second respondent.

6. I have heard the learned counsel on either side and perused the materials available on record.

7.As rightly pointed out by the learned counsel for the petitioner, the role of the petitioner is very limited to that off prepare a document as instructed by the parties. The petitioner did not signed as a witness while the document was executed before the Sub Registrar. The entire case falls only on the first accused who was instrumentally in creating the document and the accused 3 to 8, who stood as witness before the Sub Registrar. It is also pointed out by the learned counsel for the petitioner that the first accused has filed a civil suit in OS.No.3 of 2001 before the Principal District Munsif, Erode seeking to declare the sale deed executed by the defacto complainant is null and void. The said suit was contested by the defacto complainant by taking a stand that a signature found in the sale deed is not that off hers. The signature was sent for comparison with the admitted signature of the defacto complainant and the signature was found to be forged. The learned District Munsif declined to grant any releif to the first accused. It is pertinent to note that the petitioner was not examined on either side in relation to the said suit. Therefore, this Court has no hesitation to hold that the role of the petitioner in this case was limited only to the extent preparing the documents and the petitioner did same for a fee. Therefore, the petitioner should not meet to undergo rigor trial of crime, the case in CC.No.428 of 2013 on the file of the learned Chief Judicial Magistrate, Erode is quashed.



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8. In the result, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-VI)

// True Copy //

Sub Assistant Registrar

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To

1.The Chief Judicial Magistrate,
Erode.

2.The Judicial Magistrate,
Erode.

3.The Inspector of Police,
Erode North Police Station,
Erode District.

4.The Public Prosecutor,
High Court of Madras.

+1cc to M/s.N.Manokaran, Advocate Sr.No.39693

Cr1.O.P.No.20196 of 2018 and
Cr1.M.P.No.10789 of 2018

PMK(CO)
RVM(06/10/2021)