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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2021

CORAM

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Crl. O.P. No.10239 of 2017  
and CRL.M.P.Nos.6763 &6764 of 2017

V.Sivarasu

...Petitioner

Vs.

1.State rep.by  
The Inspector of Police,  
District Crime Branch,  
Salem District  
(Crime No.6 of 2013)

2.C.Krishnan

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to call for the records and quash the entire criminal proceedings in C.C.No.210 of 2016 on the file of the learned Judicial Magistrate I, Mettur as against the petitioner.

For Petitioner : Mr.T.Saikrishnan for M/s.Sai

For Respondents : Mr.R.Kishore Kumar  
Government Advocate(Crl.side) for R1  
No appearance for R2

ORDER

This Criminal Original Petition has been filed to call for the records and quash the entire criminal proceedings in C.C.No.210 of 2016 on the file of the learned Judicial Magistrate I, Mettur as against the petitioner for the offences under Sections 419, 465, 468, 471 and 420 of IPC @ 120(b), 419, 465, 468, 471 and 420 of IPC.

2. The petitioner has been arrayed as A8 in C.C.No.210 of 2016. The crux of the prosecution case is that the property has been transferred in the name of defacto complainant by his wife. It has been transferred clandestinely by impersonating the defacto complainant in the name of A1. Thereafter, again the same was transferred to A2. Hence, A1 and A2 along with other accused were conspired together and impersonated the defacto complainant. Thereby, they committed the aforesaid



offence and final report has been filed against them for the offences under Sections 120(b), 419, 465, 468, 471 and 420 of IPC.

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3. The learned counsel for the petitioner submitted that A8 is merely a document writer and he is no way connected with the alleged impersonation of the earlier document registered in favour of A1, whereas, he has registered the subsequent documents. Therefore, he cannot be fastened with the criminal liability.

4. At the outset, I am of the view that when the materials unearthed by the prosecution indicate creating the forged documents and conspiracy charge is also stare against the present petitioner, only the Trial Court has to appreciate the evidence. This Court while exercising its power under Section 482 of Cr.P.C., cannot conduct a roving enquiry or decide or probe into the evidence at this stage, which have to be gone into only during the trial. Such being the position, this Criminal Original Petition is dismissed with a direction to the Trial Court to dispose of the main case as expeditiously as possible. Consequently, connected miscellaneous petitions are closed.

5. At this juncture, the learned counsel appearing for the petitioner seeks indulgence of this Court to grant an order dispensing with the personal appearance of the petitioner. Accordingly, the personal appearance of the petitioner before the trial Court is dispensed with, except for receipt of copies, answering the charges, questioning under Section 313 Cr.P.C., passing of judgment, or on any other date as may be required by the trial Court.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

msv/nr

To

1.The Judicial Magistrate I,  
Mettur.

2.The Inspector of Police,  
District Crime Branch,

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



3.The Public Prosecutor  
High Court, Madras.

4.The Section Officer,  
Criminal Section,  
High Court,  
Madras-104.

+lcc to Mr.T.Saikrishnan, Advocate SR. No.68378

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SSV (CO)  
PR (19/01/2022)