



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

CRL.O.P. NO.28688 OF 2017

AND

CRL.M.P.NOS.16232 OF 2017 & 10826 OF 2021

Banumathi

... Petitioner

.Vs.

1. The State By
The Inspector of Police,
Central Crime Branch - II,
Vepery, Chennai - 600 007.

2. Murali, S/o.Subbaih
[R2 impleaded as per the Order of this Court
dated 02.02.2018 made in Crl.M.P. No.
1335 of 2018 in Crl.O.P.No.28688 of 2017]

...Respondents

PRAYER:

Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in C.C.No.720 of 2016 on the file of the learned Judicial Magistrate, Alandur, Kancheepuram District and quash the same as against the petitioner [A3].

For Petitioner : Mr.T.R.Ravi

For Respondent : Mr.L.Baskaran
Government Advocate (Crl.Side) - R1

Mr.P.Nandakumar - R2

O R D E R

(This case has been heard through video conference)

This Criminal Original Petition has been filed to quash the final report filed under Sections 406, 419, 420, 465, 468 and 471 read with 34 of the I.P.C.



and A2. Similarly, A2 forged documents and availed loan by pledging the property in Urapakkam Village. As far as the property in Thiruvallangadu is concerned, A2 appears to have forged the signature of the defacto complainant and executed power of attorney in favour of A1 and A1 in turn executed a sale deed in favour of A3, who is his wife. These materials, though clearly indicate that charges under section 406, 465, 568, 471 will not be attracted as against A3, since the materials collected by the prosecution indicate that A1 and A2 actively participated in the creation and falsification of documents. At the same time, since A3 is also a party to the sale deed executed by A1, in her favour, whether her action would fall under section 34 of IPC has to be seen by the trial Court. The trial Court has to decide whether A3 had shared a common intention or not with the other accused while preparing the forged documents and the trial Court has to proceed in that line. Hence, the question of quashing the final report against the petitioner cannot be entertained at this stage. The trial court shall decide the case on its own merits without having influenced by the above observations.

7. Accordingly, this Criminal Original Petition is dismissed. Considering the age of the petitioner, the personal appearance of the petitioner is dispensed with except for receiving copies, for answering the charges, for questioning under section 313 Cr.P.C. and on the dates fixed by the trial Court. The trial Court shall dispose of the case without being influenced by any of the above observations made by this Court. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vrc

To

1. The Judicial Magistrate,
Alandur, Kancheepuram District.
2. The The Inspector of Police,
Central Crime Branch - II,
Vepery, Chennai - 600 007.



3. The Public Prosecutor,
High Court of Madras.

+1cc to Mr.P.Nandakumar, Advocate, S.R.No.60452

+1cc to Mr.T.R.Ravi, Advocate, S.R.No.60148

Cr1.O.P. No.28688 of 2017

RGN(CO)
PM/02/12/2021