



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.10.2021

CORAM

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THE HONOURABLE MR. JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.8687 of 2021
and Crl.M.P.(MD).Nos.4452 and 4453 of 2021

A.Jeyaprakash Narayanan ...Petitioner/Accused No.5/
Accused No.5

Vs.

1.The State represented by,
The Inspector of Police,
District Crime Branch,
Dindigul District.
(Crime No.2 of 2019)

...1st Respondent/Complainant/
Complainant

2.A.Gokulakrishnan

...2nd Respondent/Defacto Complainant/
Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the case in C.C.No.114 of 2019, on the file of the Learned Judicial Magistrate No-2 Dindigul, in Crime No.2 of 2019, on the file of the 1st respondent and quash the same as illegal in so far as the petitioner herein is concerned.

For Petitioner : Mr.J.Lawrance

For R1 : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

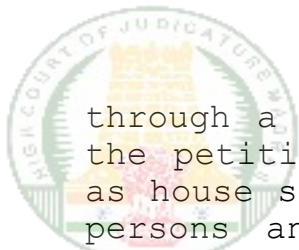
ORDER

(This petition is heard through video conference)

This petition has been filed seeking quashment of C.C.No.114 of 2019, on the file of the Learned Judicial Magistrate No.II, Dindigul.

2.The case in brief:

The second respondent, who is the defacto complainant has given a statement with following facts: The property in S.Nos.88, 89/1, 89/2 and 89/3 situated at Sullerumpu Village, Vedasandur Taluk, Dindigul District belonged to his father by name Arumugam



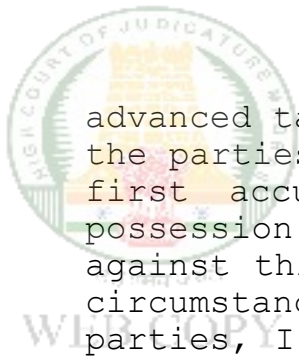
through a registered sale deed, dated 29.09.1997. After his death, the petitioner inherited the property and later developed the same as house sites as Ammayappa Nagar and sold several plots to several persons and some of the plots were retained by him. When he proposed to sell the above said plots, one Babu of Tiruchengode visited the property and at that time, he found that the first accused namely, Arivazhagan encroached his property to an extent of 5617 sq. feet in S.No.89/3. So he verified the records with the Sub Registrar Office and at that time, he found that the first accused has created a forgery document in respect of the above said extent, which was executed by accused Nos.2 to 4. The accused Nos.2 to 4 have no right over the property. This petitioner was only a Document Writer.

3.Based upon the complaint given by the second respondent, a case in Crime No.2 of 2019 was registered against all these persons and seeking quashment of the same, this petition came to be filed on the ground that this petitioner was only a Document Writer and was not aware of the ownership of the property. Moreover, the first accused has also cancelled the sale deed, which was executed by the co-accused namely, accused Nos.2 to 4 and on that ground, anticipatory bail was also granted to all the accused persons. Without noting the above said development, the final report has been filed by the first respondent and as such, the final report is not valid under law.

4.This petition has been filed on the ground that subsequent to the registration of the FIR, the concerned sale deed has been cancelled by the first accused in whose favour the above said sale deed has been effected by the other accused persons and now, the second respondent/defacto complainant was put in possession and this fact was submitted before this Court when anticipatory bail was moved along with other accused persons in Crl.O.P.(MD).Nos.773 and 1916 of 2019 and by order dated 12.03.2019, anticipatory bail application was allowed on the ground that the alleged disputed sale deed was cancelled by the first accused.

5.The learned counsel for the petitioner submitted that without taking into account the subsequent development that has been taken between the defacto complainant and other accused persons, investigation has been completed and final report has also been filed. According to him, when the grievance has been rectified by way of executing the cancellation of sale deed, the offence said to have been taken place does not attract the ingredients against this petitioner. According to him, he is only a Document Writer.

6.The learned Additional Public Prosecutor submits that the offence cannot be allowed to go vapourised simply because there was a compromise between the parties. The petitioner, being a Document Writer, ought to have known the ownership of the property in respect of which he has written the document written by him. Even such arguments has been



advanced taking note of the fact that there was a compromise between the parties by which the alleged sale deed has been cancelled by the first accused and second respondent has also handed over the possession of the same. Continuation of the criminal proceedings against this petitioner may not be proper. In view of the facts and circumstances and the fact that there was a compromise between the parties, I am of the considered view that the petition is liable to be allowed and accordingly, this petition is allowed and the proceedings in C.C.No.114 of 2019 before the learned Judicial Magistrate No.II, Dindigul, against this petitioner is quashed. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CRL)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Judicial Magistrate No.II,Dindigul.

2.The Inspector of Police,
District Crime Branch, Dindigul District.

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

+1 CC to M/s.J.LAWRANCE, Advocate (SR-31696[F] dated 08/10/2021)

Crl.O.P. (MD)No.8687 of 2021

07.10.2021

MGJ/JC(08.11.2021) 3P 5C