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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 02.08.2021

Pronounced on : 16.09.2021

CORAM:

THE HONOURABLE MR JUSTICE G.ILANGO VAN

Crl.O.P.(MD) No.9723 of 2021

Crl MP(MD)No.4965 of 2021

Parthiban

... Petitioner/Accused No.6

Vs.

The State rep. by

1.The Inspector of Police,
K.K. Nagar Police Station,
Trichy
(Crime No.190 of 2021)

... 1st Respondent/Complainant

2. The Sub Registrar (Incharge),
Office of the Sub Registration Offie,
K.Sathanoor,
Trichy.

... 2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C to quash the first information report in Crime No.190 of 2021 on the file of the first respondent police for the alleged offences under Sections 129(b), 419, 465, 471, 420 IPC in so far as the petitioner/accused No.6 is concerned.

For Petitioner : Mr.Jameel Arasu

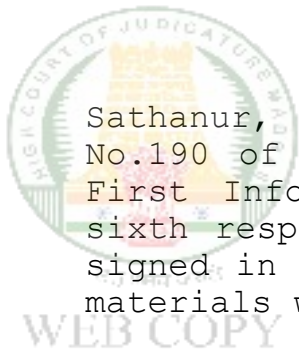
For R1 : Mr.R.M.Anbunithi
Additional Public Prosecutor

O R D E R

This petition is filed seeking quashment of first information report in Crime No.190 of 2021 on the file of the first respondent police for the alleged offences under Sections 129(b), 419, 465, 471, 420 IPC in so far as the petitioner/accused No.6 is concerned.

2. The case of the prosecution in brief is as follows:

On 19.02.2021 at about 03.00 p.m the defacto complainant, after perusing the document submitted for registration, finds one power of attorney deed, during verification, he entertained a doubt and suspicion with regard to genuineness of the document. During enquiry it was found that the accused 1 and 2 engaged one Lakshmi for the purpose of impersonating the original owner. The abovesaid Lakshmi was instigated by other accused persons to impersonate the original owner promising to give some amount. During verification, it was found to be a forged document. On that basis, the Sub Registrar, K.



Sathanur, Trichy lodged a complaint upon which a case in Crime No.190 of 2021 was registered. Seeking quashment of the abovesaid First Information Report, the petitioner, who is arrayed as the sixth respondent, filed this petition mainly on the ground that he signed in the document only as a witness and nothing incriminating materials were produced against him.

3. Heard both sides.

4. A perusal of the First Information Report shows that the defacto complainant had gone thorough enquiry with regard to the genuineness of the disputed documents and during the course of earlier enquiry with the executant as well as the other people, it came to his notice that they have prepared a forged document. One Lakshmi was engaged by other accused persons namely, the accused 1 and 2 for impersonating the original owner. All the persons namely Lakshmi, Baskar, Rajasekar, Arumugam and Parthiban were enquired by him. During that enquiry, the proposed witness namely Periyasamy and Arockiasamy escaped from the office of the said Parthiban, who is the petitioner herein. This clearly shows that the petitioner is also actively involved in the above said impersonation, forgery and connected offences. The contention that the petitioner was only a witness to the document and *bonafidely* believing the genuineness of the same, he has signed in the document cannot be accepted at any stretch of imagination for the simple reason that Lakshmi is not a real person. She was as impersonator impersonating the original owner and other documents have been created and forged. It is highly unbelievable at the preliminary stage that the petitioner, without knowing the genuineness of the document, signed as a witness cannot be accepted. The proposed document to be registered was a power of attorney. So the person who signed as a witness ought to have known the real person. Whether the executant and the power agent are real owners, only for the purpose of identifying the persons, witnesses have been arranged. It is the document of power of attorney, which requires proper identification of the executant as well as the power agent. So the argument that believing the document to be genuine has signed as a witness cannot be accepted. Moreover it is a preliminary stage. I find no merit to stall the investigation. It must be carried on to its logical end. I find no merit in the petition. According, it deserves dismissal and accordingly, the same is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (T&P)

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/ /2021

Sub Assistant Registrar(CS)



To,

1.The Inspector of Police,
K.K. Nagar Police Station,
Trichy.

2.The Sub Registrar (Incharge),
Office of the Sub Registration Offie,
K.Sathanoor,
Trichy.

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

CrI.O.P. (MD) No.9723 of 2021
16.09.2021

RK (04.10.2021) 3P 4C