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Crl.O.P.No.21871 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.10.2022

CORAM:

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.O.P.No.21871 of 2022
and Crl.MP.No.14151 of 2022

S. Parimala

... Petitioner

Vs

K. Sanmuga Selvakumar

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C.
praying to call for the entire records relating to C.C.No.109 of 2022 pending
on the file of the learned Judicial Magistrate No.1, Gobichettipalayam and
quash the same.

For Petitioner : Mr.R.N.Amarnath

For Respondent : Mr.M.Guruprasad



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ORDER

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2. The learned counsel for the petitioner submitted that the petitioner and the respondent are the daughter and son of Kuzhanthaiyappan. The petitioner's father died on 01.05.2020 and after his death, the ownership of the vehicle viz., Maruthi Suzuki S-White - TN 36 AD 9463, which was in the name of their father Kuzhanthaiyappan, has been transferred in the name of the petitioner on 11.06.2020 in view of Form Nos. 29 & 30 by the RTO. Under these circumstances, this respondent filed a private complaint before the learned Judicial Magistrate No.I, Gobichettipalayam in the year 2022 stating that the petitioner forged the signature of his father Kuzhanthaiyappan and transferred the vehicle in her name by way of Form Nos.29 & 30. The respondent, after two years, filed a complaint with a malafide intention and the same has to be quashed.



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3. The learned counsel for the respondent submitted that the relationship between the parties is admitted. Only on getting information through Information Officer on 10.05.2022 the respondent came to know about the transfer of ownership of the disputed vehicle in the name of the petitioner. Thereafter he filed a complaint.

4. Heard both sides and perused the materials available on record.

5. On a perusal of the records, it reveals that only after two years the respondent, came to know about the transfer of ownership and gave a private complaint before the learned Judicial Magistrate No.I, Gobichettipalayam but there is no material to show that the petitioner has forged the signature of her father and transferred the ownership of the car in her name. While transferring the ownership of the car into the petitioner's name RTO has also verified and satisfied with the signature of the Kuzhanthaiyappan. Thereafter only the transfer has been effected. Therefore, it does not meet the parameters laid down by the Supreme Court in ***State of Haryana vs. Ch.BhajanLal (AIR 1992 SC 604), M/s Neeharika Infrastructure Pvt. Ltd. Vs. State of***



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Maharashtra and others (2021 SCC online 315) & PRATIBHA RANI

Vs.SURAJ KUMAR & ANR (1985 Crl.L.J.817), the matter has to be quashed. In the absence of any materials to show that forgery has been committed continuing the criminal proceedings would amount to abuse of process of law. Accordingly the Criminal Original Petition is allowed and C.C.No.109 of 2022 on the file of the learned Judicial Magistrate No.1, Gobichettipalayam is hereby quashed. Consequently connected miscellaneous petition is also closed.

17.10.2022

Internet:Yes
Speaking/Non speaking order
dpq

To
1. The learned Judicial Magistrate No.1,
Gobichettipalayam

2. The Public Prosecutor,
High Court of Madras.



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V. SIVAGNANAM, J.

dpq

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