



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.03.2022

CORAM:

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

WEB COPY

Crl.O.P. (MD)No.1726 of 2020

and

Crl.M.P(MD)Nos. 822 & 823 of 2020

1. B.Boopathiraj

2. B.Kalyani

... Petitioners / Accused Nos.2 & 3

Vs.

1. State rep. by

The Inspector of Police,
District Crime Branch,
Ramanathapuram.

(Crime No.43 of 2015)

2. Natarajkumar

... Respondents/ Complainant &
Defacto Complainant

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records pertaining to the impugned charge sheet in C.C.No.427 of 2019 dated 23.10.2019 on the file of the Judicial Magistrate No.II, Ramanathapuram and quash the same as illegal in so far as petitioners/accused Nos.2 and 3 are concerned.

For Petitioner : Mr.M.V.Venkataseshan

For R1 : Mr.P.Kottaichamy
Government Advocate

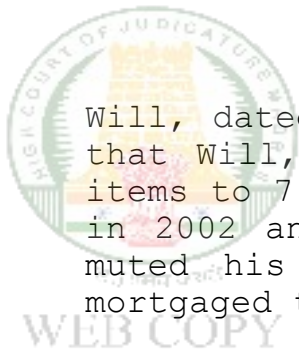
For R2 : Mr.R.Narayanan

ORDER

This Criminal Original Petition has been filed to quash the impugned proceedings in C.C.No.427 of 2019, dated 23.10.2019 on the file of the Judicial Magistrate No.II, Ramanathapuram for the offences punishable under Sections 468, 471 and 420 IPC altered into Sections 468, 471, 420 r/w 120(b) IPC.

2. The crux of the final report is that A1 created a document, particularly, revenue records in his name. The property originally stands in the name of defacto complainant's father Ramamoorthi and he sold the property to A2 and A3.

3. Learned counsel appearing for the petitioners would submit that the present petitioners are the bonafide purchasers. With a view to show his title, the first accused produced the registered



Will, dated 25.04.1986 executed by his father Sethuraja Servai. In that Will, the father of the first accused has bequeathed various items to 7 of his children. The father of the first accused expired in 2002 and the Will has come into force. The first accused has muted his name in the revenue records. The first accused has mortgaged the property to one Balamurugan.

4. The learned counsel appearing for the second respondent would submit that the property stood in the name of the defacto complainant's father Ramamoorthi and the first accused has fabricated the document as if he is the owner of the property and hence, he prayed to dismiss the application.

5. It is seen from the records that based on the representation made by A1 claiming that he is the bonafide purchaser and he also relied upon the registered Will, mortgage deed was registered. The charge indicates that there is fabrication of revenue records by A1. Whether the petitioners, A1 and the defacto are the bonafide purchaser or not is decided only by the trial Court in the trial. The trial Court while disposing the matter considering facts of the case to decide the same on merits. In such view of the matter, quashing the entire proceedings does not arise.

6. Accordingly, this Criminal Original Petition is dismissed and the personal appearance of the petitioners is dispensed with before the trial Court except for receiving the copies, answering the charges, questioning under Section 313 Cr.P.C., and any other date that may be required by the trial Court. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

/TRUE COPY/

/ /2022
Sub Assistant Registrar(CS)

To:

1. The Inspector of Police,
District Crime Branch,
Ramanathapuram.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.M.V.VENKATASESHAN, Advocate (SR-9905[F] dated 03/03/2022)

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03.03.2022

MK/18.03.2022/2P/4C

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