



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

CRL.O.P.[MD].No.2221 of 2020

and

CRL.M.P.[MD]Nos.1146 and 1148 of 2020

Subburam

... Petitioner / Accused No.5
Vs.

1.State Rep. by,
Inspector of Police,
City Crime Branch, Tirunelveli City.
(Crime No.27 of 2010)

...1st Respondent / Respondent

2.Sumathi

... 2nd Respondent /
Defacto Complainant

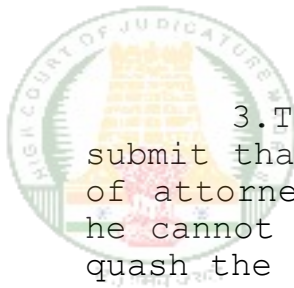
PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the records in C.C.No.16 of 2013 on the file of the learned Judicial Magistrate (Special Court for Land Grabbing Cases), Tirunelveli, Tirunelveli District and quash the charge sheet as against the petitioner herein.

For Petitioner	: Mr.K.Veilmuthu
For R1	: Mr.M.Sakthi Kumar, Government Advocate.
For R2	: No Appearance

ORDER

This Criminal Original Petition has been filed to quash the final report in C.C.No.16 of 2013 on the file of the learned Judicial Magistrate (Special Court for Land Grabbing Cases), Tirunelveli, Tirunelveli District filed for the offences punishable under Sections 420, 465, 467, 468, 471 and 120(d) of IPC.

2.The allegation against the petitioner is that he has attested the power of attorney said to have been executed by the accused 2 to 4. Pursuant to the same, the property has been conveyed by the 1st accused to 7th accused. Thereafter, the 7th accused has conveyed the same to the 9th accused. The only allegation against the petitioner is that he is a witness in the power of attorney.



3.The learned counsel appearing for the petitioner would submit that he has no way connected with the execution of the power of attorney. Therefore, merely because of attesting the document, he cannot be fastened with criminal liability. Hence, he sought to quash the final report against the present petitioner.

4.The very allegation itself clearly indicates that the accused 2 to 4 dealt with the property as of their own and executed the document. Therefore, in such scenario, the offence under Section 420 of IPC would not be attracted. Be that as it may, the role played by the petitioner is only being the witness in power of attorney in the document executed by the accused 2 to 4. Even the entire prosecution theory did not show that any of the person so deceived by such execution of the document, has filed the complaint.

5.In such view of the matter, this Court is of the view that mere being the witness in one of the documents executed by other co-owners claiming right over the property, such act cannot be brought under any of the charges filed in the final report. Therefore, the final report in C.C.No.16 of 2013 on the file of the learned Judicial Magistrate (Special Court for Land Grabbing Cases), Tirunelveli, Tirunelveli District filed against the petitioner is quashed. Accordingly, this Criminal Original Petition stands allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Myr
To

- 1.The Judicial Magistrate,
(Special Court for Land Grabbing Cases),
Tirunelveli, Tirunelveli District.
- 2.The Inspector of Police,
City Crime Branch, Tirunelveli City.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.K.VEILMUTHU, Advocate (SR-10035[F] dated 04/03/2022)

CRL.O.P. [MD] .No.2221 of 2020

04.03.2022