



CrI.O.P.(MD) No.11698 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 30.06.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.11698 of 2022
and CrI.MP(MD)Nos.7370 & 7371 of 2022

Krishnakumar

... Petitioner

Vs

1. The Inspector of Police,
Anti Land Grabbing Special Cell,
Tirunelveli,
Crime No.9 of 2017.

2. Vignesh

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to quash the final report in CC.No.460 of 2021 on the file of the Special Court for Land Grabbing Cases, Tirunelveli.

For petitioners : Mr.M.Karunanithi

For Respondents : Mr.E.Antony Sahaya Prabahar (R1)
Additional Public Prosecutor



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ORDER

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This Criminal Original Petition has been filed to quash the final report in CC.No.460 of 2021, on the file of the Special Court for Land Grabbing Cases, Tirunelveli.

2.The learned counsel appearing for the petitioner submitted that the petitioner is the second accused in C.C.No.460 of 2021, on the file of Special Court for Land Grabbing Cases, Tirunelveli. He was charged for the offences under Sections 420, 423, 465, 467, 468, 471, 120(B) IPC and further contended that this petitioner is a power agent of his Principal Sankara Narayanan. He did not have the knowledge of death of Sankara Narayanan on 17.02.2014. On a bonafide belief that his Principal was alive, he executed sale deeds for various persons, on various dates, as power agent of Sankara Narayanan. There is no evidence against him as though he was acted against the interest of the Principal and created the documents. Hence, criminal proceedings against the petitioner has to be quashed.



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3.The learned Additional Public Prosecutor submitted that it is the specific allegation against the petitioner is that he acted as a power agent of Sankara Narayanan. On 17.02.2014, the said Sankara Narayanan died. Knowing the knowledge of death of Sankara Narayanan, the petitioner produced the Life Certificate of Sankara Narayanan before the Sub Registrar and executed sale deeds for various persons on various dates.

4.I considered the matter in the light of the submissions made on both sides. Perusal of records reveal the fact that the petitioner is the second accused in C.C.No.460 of 2021, on the file of Special Court for Land Grabbing Cases, Tirunelveli, for the offences under Sections 420, 423, 465, 467, 468, 471, 120(B) IPC. The respondent Police has prosecuted the petitioner that knowing the fact that his Principal was died on 17.02.2014 and produced the Life Certificate of his Principal Sankara Narayanan, as if he was alive and executed the sale deeds to various persons on various dates, in the capacity of power agent of Sankara Narayanan. On investigation, it is found that the Life Certificate of Sankara Narayanan produced by the accused was forged and fabricated one.



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5.Once the Principal died, legally, the power of attorney also come to an end. Producing the life certificate of Sankara Narayanan before the Sub Registrar is an disputed fact. Whether the petitioner is having the knowledge about the death of Sankara Narayanan or not, is the disputed fact and it has to be decided before the trial Court, by let in prosecution evidence before the trial Court. Now the case is posted for trial. Therefore, trial has to be conducted to find out the truth and to reach a just decision in this case. At this stage, it is inappropriate to quash the proceedings before conducting trial. I find no merits in this Criminal Original Petition.

6.Accordingly, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petitions are closed.

30.06.2022

Internet:Yes./No

Index:Yes/no

PNM

To

1. The Inspector of Police,
Anti Land Grabbing Special Cell,
Tirunelveli,
Crime No.9 of 2017.

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V.SIVAGNANAM, J.

PNM

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

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