



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 21/04/2022

CORAM:

THE HON'BLE MR JUSTICE G.ILANGOVAN

Crl.OP(MD)No.15269 of 2018

and

Crl.MP(MD)Nos.6742 of 2018 and 11305 of 2019

WEB COPY

Gunasekaran : Petitioners/A3

Vs.

1.The Inspector of Police,
District Crime Branch,
Theni District.
(In Crime No.5 of 2008) : R1/Complainant

2.Jayabalakrishnan : R2/De-facto Complainant

Prayer: Criminal Original Petition has been filed under section 482 of the Criminal Procedure Code, to call for the records relating to the charge sheet in CC No.14 of 2015 on the file of the Judicial Magistrate, Theni and quash the same.

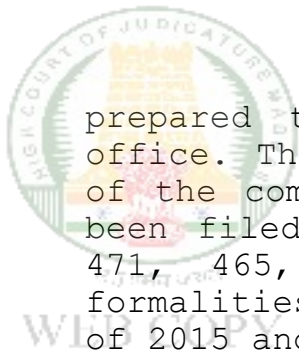
For Petitioner : Mr.R.Gandhi
for Mr.A.Nagarajan
For 1st Respondent : Mr.SS.Madhavan
Government Advocate
(Criminal side)
For 2nd Respondent : Mr.M.Balaji

O R D E R

This petition has been filed seeking quashment of the case in CC No.14 of 2015 on the file of the Judicial Magistrate, Theni.

2.The case of the prosecution in brief:-

The mother of the de-facto complainant was owning property measuring about 10 cents in Kumuli Village, Idukki District, Kerala in Survey No.49/6. In order to grab the above said property illegally, the 1st accused with the help of the 3rd accused Gunasekaran created a special power deed, as if the 2nd accused executed the same. On the basis of the above said power deed, dated 17/12/1988, the sale was executed in favour of the 2nd accused namely Sumathi Kutty Ammal. The 4th accused signed in the above said power deed as identifying witnesses. It was prepared by the 3rd accused namely Gunasekaran. He also generated the survey number in the document. So the first accused created the forged power deed by impersonating, the accused namely Sumathi Kutty Ammal knowing that it is a forged document, purchased the property. The 3rd accused



prepared the document and registered in Beermedu Sub registrar office. The 4th accused signed as identifying witness. On the basis of the complaint given by the de-facto complainant, this case has been filed in Crime No.5 of 2008 for the offences under sections 471, 465, 467, 420 and 120(B) IPC. After completing the formalities of investigation, final report has been filed in CC No.1 of 2015 and it was taken cognizance by the trial court.

3. Seeking quashment of the same, this petition has been filed by the petitioner/A3.

4. After hearing the parties, the matter was ordered to be listed under the caption 'for orders'. Today (21/04/2022) on going through the records, this court is of the considered view that no case has been made out by the petitioner to quash the criminal proceedings. When this was pointed out to the learned counsel appearing for the petitioner, he would submit that he restricts his prayer for dispensing the personal appearance of the petitioner before the trial court.

5. So without going to the merits of the case, this petition is disposed of with the following directions:-

i). The personal appearance of the petitioner is dispensed with before the trial court, since his age is 75 years as on date, on condition that within 15 days from the date of receipt of a copy of this order, the petitioner must appear before the trial court and file an undertaking affidavit that he will appear as and when required by the court, the attested photograph must be attached in the affidavit and he must ensure that he is properly represented by an Advocate.

ii) Considering the oldness of the matter, there shall be a direction to the trial court to expedite the trial process and complete the same within a period of five months from the date of receipt of a copy of this order.

6. With the above said liberty and direction, this petition is **disposed of**. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-II)

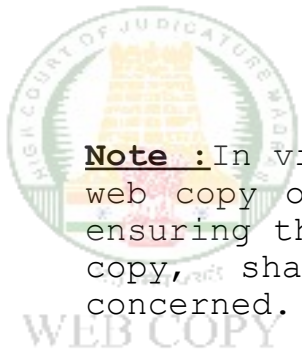
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Sub Assistant Registrar(CS)

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<https://hcservices.ecourts.gov.in/hcservices/>



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1.The Judicial Magistrate,
Theni.
- 2.The Inspector of Police,
District Crime Branch,
Theni District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.S. AYYANARPREM KUMAR, Advocate (SR-20428[F]
dated 22/04/2022)

Crl.OP(MD)No.15269 of 2018
21.04.2022

NA(CO)
GC(24.06.2022) 3P 5C