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W.P.Nos.38636 to 38638 of 2003

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.04.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.Nos.38636 to 38638 of 2003

Sozha Ve. Tamilzhazhagan

...Petitioner in all
W.Ps.

-Vs-

1. The Inspector of Police,
District Crime Branch,
Thiruvapur,
Thiruvapur District.

2. K.Balachandar
3. K.Jaganathan

... Respondents in
all W.Ps.

Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, after calling for the records from the Judicial Magistrate – 1, Mannargudi, Thiruvapur District relating to C.C.Nos.140 to 142 of 2002 respectively, and quash the charges framed therein against the petitioner.

In all W.Ps.

For Petitioner	: No appearance
For Respondents	
For R1	: Mr.S.Rajakumar Additional Public Prosecutor
For R2 & R3	: Mr.S.Subburaman



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COMMON ORDER

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These Writ Petitions have been filed to quash the proceedings in C.C.Nos.140 to 142 of 2002 on the file of the learned Judicial Magistrate – 1, Mannargudi, Thiruvarur District, pending as against the petitioner.

2. The petitioner is an accused in all the proceedings in C.C.Nos.140 to 142 of 2002 on the file of the learned Judicial Magistrate – 1, Mannargudi, Thiruvarur District. The second respondent lodged complaint and as directed by the Superintendent of Police, Thiruvarur, the first respondent registered the FIRs in Crime Nos. 173 of 1999 and 6 of 2000, on the allegations that the father of the respondents 2 & 3, who is the maternal uncle of the petitioner, viz., Kaliaperumal, while he was in Singapore, he had sent money to the petitioner to purchase land and to construct building. Accordingly, the petitioner built a house and the said house was assessed to the house tax in the name of the father of the second and third respondents.

3. Thereafter, the petitioner forged the signature of the said



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Kaliaperumal and fabricated a Will and used as genuine and falsely cheated the Revenue Officials and changed the ownership of the said property in the name of the petitioner. The petitioner also received money periodically from the father of the respondents 2 & 3 in order to pay taxes. Hence the respondents 2 & 3 lodged complaint before the first respondent.

4. During the investigation, the hand writing expert's opinion was obtained and it revealed that the signature found in the Will is not that of the father of the respondents 2 & 3 herein and it is a forged document. Further the original Will was in the possession of the petitioner. After completion of investigation, the first respondent filed final reports and the same have been taken cognizance in C.C.Nos.140, 141 and 142 of 2002.

5. It is seen that there are specific allegations as against the petitioner to attract the offences under Sections 120 (b), 409, 420, 467, 468 & 471 of IPC. Hence, this Court is not inclined to quash the proceedings in C.C.Nos.140, 141 and 142 of 2002 on the file of the



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learned Judicial Magistrate – 1, Mannargudi, Thiruvarur District. The trial Court is directed to complete the trial within a period of three months from the date of receipt of copy of this Order, if not already disposed of.

6. Accordingly, all the Writ Petitions stand dismissed. There shall be no order as to cost.

13.04.2023

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

rts



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1. The Judicial Magistrate – 1,
Mannargudi,
Thiruvarur District.
2. The Inspector of Police,
District Crime Branch,
Thiruvarur,
Thiruvarur District.
3. The Public prosecutor,
Madras High Court,
Chennai.



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G.K.ILANTHIRAIYAN. J.

rts

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