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Crl.O.P.No.6279 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2023

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THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.6279 of 2021

and

Crl.M.P.Nos.4149 & 4151 of 2021

1.M.Ganga Nivethita

2.Mohan Babu

... Petitioners

Vs.

1.The State by

The Inspector of Police,
CCB-II,
Crime No.229 of 2018,
Chennai.

2.C.Vedagiri

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code to call for the records pertaining to C.C.No.16 of 2020 on the file of the Judicial Magistrate No.I, Poonamallee.

For Petitioner : M/s.T.C.Gopalakrishnan

For Respondent : Mr.A.Damodaran, Addl. Public Prosecutor [R.1]

: Mr.S.Silambu Selvan [R.2]



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ORDER

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The petition is to quash the final report filed for the alleged offences under Sections 419, 420, 468, 471 & 34 of IPC.

2. It is alleged in the final report that the petitioners were tenants under the 2nd respondent; that the petitioners had forged the signature of the 2nd respondent and made it appear that there was a lease agreement between the 2nd respondent and the petitioners for the period from 18.03.2016 to 17.03.2021.

3.(a). The learned counsel for the petitioners submitted that there was a landlord-tenant dispute between the parties and in fact the petitioners have already vacated the disputed premises and handed over the possession to the 2nd respondent. Since the petitioners had vacated the premises, the 2nd respondent had withdrawn the RCOP.No.49/2018, on the file of the Principal District Munsif cum Rent Controller, Poonamallee on 14.08.2019.



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3.(b). The learned counsel further submitted that the original lease agreement was not seized by the 1st respondent police and hence the lease agreement was not subjected to any examination by the expert to ascertain whether it was forged.

4. The learned counsel for the de facto complainant and the learned Additional Public Prosecutor submitted that there are allegations in the impugned final report which have to be adjudicated only by the Trial Court. However, they both admitted that the original lease agreement was not seized by the 1st respondent police and hence could not be sent to Forensic Science Department for confirming whether there was forgery.

5. In view of the above fact that the dispute between the landlord and the tenants had already been settled before the Rent Control Court and the petitioners had vacated the premises and the fact that the alleged forged lease agreement had not been seized by the 1st respondent police and sent to the Forensic Department for confirming whether there was any forgery, this Court is of the view that no useful purpose would be served in keeping the proceedings pending. Since the alleged allegation of forgery cannot be



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established, in the absence of the original document, this Court is of the view that the impugned prosecution as against the petitioners is liable to be quashed for the aforesaid reasons.

6. Accordingly, the Criminal Original Petition is allowed.

Consequently, the connected Miscellaneous Petitions are closed.

07.06.2023

Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No
shr

To.

1. The Inspector of Police,
CCB-II, Chennai.
2. The Judicial Magistrate No.I, Poonamallee.



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SUNDER MOHAN. J,

shr

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