



Crl.O.P.No.13084 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.10.2023

CORAM:

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

CRL.O.P.No.13084 of 2021 and  
Crl.MP.Nos.7188 & 7190 of 2021

Murugaiyan

... Petitioner

Vs.

1.The State,  
rep. By the Inspector of Police,  
Land Grabbing Cell,  
District Crime Branch,  
Villupuram District  
(crime No.34 of 2018)

2.Malliga

... Respondents

**PRAYER:** Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to call for the records in CC.No.132 of 2019 on the file of the learned District Munsif cum Judicial Magistrate, Vanur, Villupuram District insofar as this petitioner is concerned and to quash the same.

For Petitioner

: Mr.S.Sasikumar

For Respondents

For R1

: Mr.A.Gopinath,  
Government Advocate(Crl.side)

For R2

: No appearance

**ORDER**

This criminal original petition has been filed to quash the



CrI.O.P.No.13084 of 2021

proceedings in CC.No.132 of 2019 on the file of the learned District Munsif cum Judicial Magistrate, Vanur, Villupuram District insofar the petitioner, taken cognizance for the offences under Sections 419, 423, 467, 468, 471 IPC r/w 34 IPC.

2. The case of the prosecution is that on 29.06.2017, A3 who is very close to A1(defacto-complainant's husband) impersonated herself as owner of the property situated at Pattanur Village, Vanur Taluk to the extent of 2400 Sq.feet. and she executed a sale deed vide Document No.1870 of 2017 in favour of A4 at the Office of Sub-Registrar, Vanur with the connivance of A1. It is further alleged that the petitioner prepared the alleged sale deed in Document No.1870 of 2017 on the instructions given by the A1 and A3

3. Though notice was served on the second respondent and her name is also printed in the cause list, no one appeared on behalf of the second respondent before this Court either in person or through pleader.

4. It is seen that after completion of investigation, the first respondent filed final report and the same has been taken cognizance by the trial court for the offences under Sections 419, 423, 467, 468, 471 of IPC r/w



CrI.O.P.No.13084 of 2021

34 of IPC. There are totally seven accused, in which the petitioner is arrayed as the seventh accused. Even according to the case of the prosecution, the petitioner is only a registered document writer. The first accused and the defacto complainant are husband and wife. They had misunderstanding and as such, the defacto complainant is living separately. Utilising the said circumstances, the first accused impersonated the defacto complainant by A3 and executed sale deed in favour of A4. A5 and A6 are the witnesses to the sale deed. In turn, A4 executed sale deed in favour of a third party. The sale deed executed in favour of A4 was prepared by the petitioner as a document writer. He was handed over all the parental documents and thereafter he prepared the sale deed and handed over it to the first accused.

5. Even according to the case of the prosecution, the petitioner did not present the document for registration and he did not stand as witness. The petitioner is being a registered document writer, prepared the document and handed over to the person who entrusted him to draft the sale deed. Therefore, no offence is made out. The prosecution also failed to prove the common intention to implicate the petitioner as an accused. The first respondent mechanically filed final report and implicated the petitioner as an accused.



CrI.O.P.No.13084 of 2021

6. On perusal of the statement recorded under Section 161 of Cr.P.C.,

revealed that no one had spoken about the overt act of the petitioner except preparing the sale deed. Therefore, the entire proceedings cannot be sustained as against the petitioner and it is liable to be quashed. Accordingly, the entire proceedings in CC.No.132 of 2019 on the file of the learned District Munsif cum Judicial Magistrate, Vanur, Villupuram District is quashed as against the petitioner alone and this criminal original petition is allowed. The trial court is directed to proceed with the trial as against the other accused persons and complete the same within a period of six months from the date of receipt of copy of this order. Consequently, connected miscellaneous petitions are closed.

06.10.2023

Index :Yes/No

Internet : Yes/No

Speaking order/non-speaking order

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To



CrI.O.P.No.13084 of 2021

- 1.The learned District Munsif cum Judicial Magistrate,  
Vanur, Villupuram District
- 2.Inspector of Police,  
Land Grabbing Cell,  
District Crime Branch,  
Villupuram District
- 3.The Public Prosecutor,  
High Court of Madras

**G.K.ILANTHIRAIYAN, J.**

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CrI.O.P.No.13084 of 2021

CRL.O.P.No.13084 of 2021

06.10.2023