



Crl.R.C.No.1126 of 2014

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.04.2023

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.R.C.No.1126 of 2014

Vikram Agnihotri

...Petitioner

Vs.

1. K.Lakshmi
2. State represented by
The Inspector of Police
District Crime Branch,
Kanchipuram.

...Respondents

Criminal Revision Case filed under Sections 397 read with Section 401 of Cr.P.C. to call for the records in Crl.M.P.No.3033 of 2014 on the file of the learned Judicial Magistrate-II, Chengalpet and to examine the same and set aside the direction passed therein vide order dated 11.10.2014 directing the revision petitioner to produce and return the sale deed bearing Doc.No.1285 of 2008 within three weeks from the date of the order to registry of the said court.



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For Petitioner : Mr.G.Prabhakaran

Respondents : Dr.V.Suresh for R1

Mr.S.Sugendran,
Govt. Advocate (Crl.Side) for R2

ORDER

The criminal revision is filed aggrieved against the order of the learned Judicial Magistrate No.II, Chengalpttu, passed in Crl.M.P.No.3033 of 2014, dated 11.10.2014, directing the petitioner to produce the sale deed No.1285/2008.

2 Learned counsel for the petitioner contended that based on the complaint filed by the first respondent, a case was registered against the petitioner and four others in Crime No.25/2008 for the offence under Sections 416, 420, 468, 471, 12(b) of IPC for fabrication of the sale deed No.1285/2008. After investigation the respondent police closed the case as



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undetected, against which the first respondent filed the protest petition and thereafter the case was taken on file in C.C.No.21 of 2010. Subsequently, the matter was compromised between the petitioner and the first respondent/defacto complainant and the case in C.C.No.21 of 2010 was quashed. Thereafter on the petition filed by the petitioner in Crl.M.P.No.2622/2014, the original sale deed registered under Document No.1285/2008 was handed over to the petitioner based on the undertaking given that he will produce the sale deed as and when it is required by the Court.

2.1 The learned counsel further contended that once the Court below passed the order to return the sale deed registered under Document No.1285/2008, the Court has become *functus officio* and as against the order, appeal only would lie before the higher forum under Section 454 Cr.P.C. The offence being compounded and the first respondent having received a huge sum of Rs.1.60 Crores by way of Demand Draft, she is estopped from raising allegations against the petitioner. Of Course, based on the undertakings made by the petitioner only the Court returned the sale



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deed, but without valid reason the Court cannot seek to produce the original sale deed. There is no compelling, necessary, justifiable reasons or legal contingency established by the first respondent to enforce the undertaking given by the petitioner.

2.2 Therefore the order passed by the learned Judicial Magistrate-II, Chengalpet, directing the petitioner to produce the sale deed registered under Document No.1285/2008 is perverse and the same is liable to be dismissed.

3 The learned counsel appearing for the first respondent contended that the sale deed registered under Document No.1285/2008 is forged one and based on the undertaking only the Court handed over the sale deed and hence the Court has every authority to direct the petitioner to produce the sale deed. Further, based on the forged document, no public should be suffered and hence it is necessary to get back the forged sale deed, which was handed over to the petitioner based on his undertakings. Further the petitioner is also accused in C.C.No.6 of 2014 based on the



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complaint given by the first respondent for the similar type of offence and the same is still pending.

4 Heard the learned counsel appearing on either side and the learned Government Advocate (Crl.Side) appearing for the second respondent police and perused the materials available on record.

5 It is seen that the case in C.C.No.21 of 2010 based on the complaint given by the first respondent for fabricated sale deed registered under Document No.1285 of 2008 was quashed by this Court recording the compromise arrived at between the petitioner and the first respondent. Subsequently, on the petition filed by the petitioner in Crl.M.P.No.2662 of 2014, the Court below returned the sale deed based on the undertaking given by the petitioner to produce the same as and when the Court directs so.

6 The order impugned in this revision is the direction issued by the Court below to produce the sale deed on the petition filed by the first



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respondent. It is an admitted fact that based on the undertaking, given by the petitioner to produce the sale deed as and when the Court directs so, the Court below returned the sale deed to the petitioner. Now the Court below, based on the undertaking given by the petitioner, directed him to produce the sale deed before Court, in which this Court does not find any illegality, infirmity or perversity. Further if the forged original deed is allowed to be remain in the hands of the petitioner, there is possibility of missing the same and possibility of misguiding or cheating the public, who are unaware of the forged sale deed. Hence there is no reason to interfere with the order of returning of the documents passed by the Court below. The Court below is directed to preserve the document in the safe custody till deciding the other connected matters pending between the same parties.

7 Accordingly the criminal revision stands dismissed.

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Index : Yes/No
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To

1. The Judicial Magistrate-II, Chengalpet.
2. The Inspector of Police District Crime Branch, Kanchipuram.
3. The Public Prosecutor, High Court of Madras.



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P.VELMURUGAN, J.,

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**Pre-Delivery Order in
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