



Crl.O.P.No.19774 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2023

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.19774 of 2019

and

Crl.M.P. Nos.10139 and 10140 of 2019

Muruganandam

... Petitioner

Versus

1. The State Represented by
The Inspector of Police,
Udayarpalayam Police Station,
Ariyalur District.
(Crime No.321 of 2017)

2. V.Nallasivan,
The Deputy Inspector of Registration,
Office of the Deputy Inspector
General of Registration,
Tiruchirappalli.

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code seeking to call for the records relating to C.C.No.139 of 2018 in Crime No.321 of 2017 on the file of the Judicial Magistrate Court No.II, Jayankondam, Ariyalur District and to quash the same and to allow the criminal original petition.



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For Petitioner : Mr.C.Prabakaran
For Respondents :
For R1 : Mr.A.Damodaran
Additional Public Prosecutor
For R2 : No appearance

ORDER

This Criminal Original Petition has been filed to quash the final report in C.C.No.139 of 2018 on the file of the Judicial Magistrate Court No.II, Jayankondam, Ariyalur District.

2. It is alleged in the impugned final report that the petitioner was working as a Sub-Registrar (In-charge) on 30.11.2016 and on the said day, he had torn the pages of certain documents and had wrongfully registered the said documents and hence committed the offences under Sections 407 and 420 of IPC.

3. The learned counsel for the petitioner submitted that the impugned final report does not suggest that the petitioner had committed the alleged offences. He further submitted that the petitioner was



working as Sub-Registrar (In-charge) only for one day. In any case, the learned counsel for the petitioner submitted that the allegations would not constitute the alleged offences under Section 407 or 420 of IPC.

4. Per contra, the learned Additional Public Prosecutor appearing for the first respondent, submitted that the Statement of Witnesses would reveal that an enquiry was conducted and it was found that the petitioner in connivance with the other accused, had torn the pages of certain documents. He therefore submitted that the quash petition filed by the petitioner is liable to be dismissed.

5. This Court on perusal of the impugned final report and hearing the submissions made by the learned counsel on either sides, is of the view that the points raised by the petitioner cannot be agitated in a quash petition. However, the petitioner is at liberty to raise all his points, including the point that the alleged offences are not made out against him at the charge framing stage. Hence, this Court is not inclined to entertain the quash petition.



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6. With the above observations, this Criminal Original Petition is dismissed.

7. At this juncture, the learned counsel for the petitioner submitted that the petitioner is now working in Trichy and the appearance of the petitioner before the Trial Court may be dispensed with. Accepting the said submission, the appearance of the petitioner before the Trial Court is dispensed with unless, the learned Judicial Magistrate deems his presence necessary for the progress of trial. The connected Criminal Miscellaneous Petitions are closed.

03.04.2023

Index : Yes/No

Neutral Citation : Yes/No

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To

1. The Judicial Magistrate Court No.II,
Jayankondam,
Ariyalur District.
2. The Inspector of Police,
Udayarpalayam Police Station,
Ariyalur District.
3. The Deputy Inspector of Registration,
Office of the Deputy Inspector
General of Registration,
Tiruchirappalli.
4. The Public Prosecutor,
High Court of Madras,
Chennai – 600 104.



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SUNDER MOHAN, J.

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