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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.09.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.20726 of 2023
and Crl MP No.14158 of 2023

R.Shanmugasundaram

...Petitioner /
Accused No.8

Vs.

1.The State Represented by its
The Inspector of Police,
DCB (Anti Land Grabbing Special Cell)
Krishnagiri District.

..1st Respondent/
Complainant

2. Saravanan

...2nd Respondent/
Defacto complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records relating to the FIR in Crime No.1 of 2023 on the file of the 1st respondent/complainant.

For Petitioners : Mr.P.M.Jayachandran

For Respondents : Mr.A.Damodaran for R1
Additional Public Prosecutor



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ORDER

This Criminal original petition has been filed to quash the FIR in Crime No.1 of 2023 pending before the 1st respondent.

2. The 2nd respondent has given a complaint to the effect that they have the pathway right in the subject property pursuant to the decree passed by the Civil Court and that A2 and A3 have sold the property along with the pathway right to A1. Initially, the FIR was registered as against A1 to A3 in Crime No.1 of 2023 on 06.01.2023. Subsequently, the petitioner has been added as an accused (A8) by virtue of alteration report on the ground that the petitioner being an Advocate had drafted the sale deed. Aggrieved by the same, this criminal original petition has been filed before this Court.

3. Heard Mr.P.M.Jayachandran, learned counsel for the petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor for 1st respondent.

4. The specific stand taken by the petitioner is that he is an advocate and performed his professional duty. Therefore, the act



performed by the petitioner by no stretch can be construed as an offence and that adding the petitioner as an accused will amount to an abuse of process of law.

5. Taking into consideration the facts and circumstances of the case, the respondent police shall not add the petitioner as an accused in the FIR for the present. The statement of the petitioner shall be recorded under Section 161(3) of Cr.PC. Ultimately, the final report shall be filed only as against those persons against whom there are sufficient materials.

6. This Criminal original petition is disposed of in the above terms. Consequently, the connected miscellaneous petition is closed.

12.09.2023

Index: Yes/No
Internet: Yes/No
rka

To



1. The State Represented by its
The Inspector of Police,
DCB (Anti Land Grabbing Special Cell)
Krishnagiri District.
2. The Public Prosecutor,
High Court, Madras

N.ANAND VENKATESH.J.,



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