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Crl.O.P.No.32139 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE **SUNDER MOHAN**

Crl.O.P.No.32139 of 2019

and

Crl.M.P.No.17676 of 2019

S.M. Velayutham

... Petitioner / A-1

-Vs-

1. The State Rep. by its
Inspector of Police,
Land Grabbing Special Wing,
Krishnagiri,
Krishnagiri District.

... 1st Respondent / Complainant

2. R. Sathyanarayanan

... 2nd Respondent / Defacto Complainant

Prayer: Criminal Original petition filed under Section 482 of the Code of Criminal Procedure, to call for the records of C.C.No.590 of 2019 pending on the file of the Judicial Magistrate – 1, Krishnagiri and to quash the same.

For Petitioner

: Mr. N. Baaskaran

For Mr. R. Ramesh

For R1

: Mr. A. Damodaran,

Additional Public Prosecutor

For R2

: Mr. G. Palani



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ORDER

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This Criminal Original Petition has been filed seeking to quash the proceedings in C.C.No.590 of 2019 on the file of the Judicial Magistrate No.1, Krishnagiri, filed for the offence under Sections 120(B), 420, 423, 465, 467, 468, 471 IPC and 82 of the Registration Act, 1908.

2. It is alleged in the final report that the accused had claimed title over the property by forging a Release Deed making it appear that it was executed by the predecessor in title of the defacto complainant and had executed a Sale Deed. Hence, the complaint.

3. Mr. N. Baaskaran, learned counsel for the petitioner would submit that the petitioner is not claiming title over the property based on the alleged Release Deed said to have been forged and he had not relied upon the said document for the purpose of claiming title over the property. Hence, the mere averment in the final report is not sufficient in the absence of any evidence collected by the Investigating Officer. The learned counsel would further submit that the original of the alleged forged documents have not been filed along with the final report. Hence, he prayed for quashing of the final report as against the petitioner herein.



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4.The learned Additional Public Prosecutor for the 1st respondent and the learned counsel for the defacto complainant submitted that there are allegations in the impugned final report and the same has to be adjudicated only before the Trial Court. Hence, they prayed for dismissal of the quash petition.

5.This Court finds that though it is the claim of the petitioner that he had not relied upon the alleged forged Release Deed for the purpose of claiming title, there is an averment in the final report to the effect that the petitioner had claimed title only based on the said forged Release Deed. The questions as to whether there was any forgery of Release Deed and who forged it, are matters for trial and those issues cannot be adjudicated in the present quash petition. Hence, this Court is not inclined to entertain this quash petition. However, the petitioner is at liberty to raise all the points before the trial Court. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected Criminal Miscellaneous Petition is closed.



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6. Since the petitioner is aged about 65 years, his personal appearance before the trial Court in C.C.No.590 of 2019 is dispensed with, unless the learned Magistrate considers his presence necessary for the progress of the trial.

05.06.2023

smv

Index : Yes/No

Speaking : Yes / No

Neutral Citation : Yes / No

To,

1. Inspector of Police,
Land Grabbing Special Wing,
Krishnagiri,
Krishnagiri District.
2. The Judicial Magistrate No.I,
Krishnagiri.
3. The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN,J.

smv

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