



Crl.O.P(MD).No.6167 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.07.2023

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CORAM:

THE HONOURABLE MR. JUSTICE P. DHANABAL

Crl.O.P(MD).No.6167 of 2020

and

Crl.M.P.(MD)Nos.3229, 3230 and 6873 of 2020

N.Muthuramalingam

...Petitioner

Vs

1.The State rep. by,
The Inspector of Police,
CCIW,
Madurai City,
Madurai District.
(Crime No.1 of 2018)

2.R.M.S.Vinayagar

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying this Court to call for the records in connection with C.C.No.1314 of 2019 on the file of the learned Judicial Magistrate No.III, Madurai, Madurai District in relation to Crime No.1 of 2018 on the file of the Inspector of Police, CCIW, Madurai City, Madurai District and quash the same in respect of the petitioner herein as devoid of merits.

For Petitioner	: Mr.S.Palani Velayutham
For 1 st Respondent	: Mr.M.Sakthi Kumar
	Government Advocate (Crl. Side)
For 2 nd Respondent	: No Appearance

ORDER

<https://www.mhc.tn.gov.in/judis> This petition is filed to quash the charge sheet in C.C.No.1314 of 2019 on



the file of the learned Judicial Magistrate No.III, Madurai, Madurai District.

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2.According to the petitioner, the first respondent police has registered the case in Crime No.1 of 2018 as against A8/the petitioner herein for the offences under Sections 406, 408 409, 417, 420, 467, 468, 471, 473, 477 r/w. 120(B) of IPC. According to the complaint, the occurrence was said to have taken place from 07.09.2011 to 31.03.2014. The information was given to the first respondent on 23.03.2018. Originally the name of the petitioner was not found placed in the FIR and subsequently the petitioner had been arrayed as A8 in the final report. The petitioner is an advocate and has been falsely roped into the case by the second respondent at the instance of the first respondent. Hence, the said final report has been liable to be quashed.

3.No counter has been filed on the side of the respondents.

4.The learned counsel appearing for the petitioner would contend that the first respondent police have registered a case in Crime No.1 of 2018 based on the complaint given by the second respondent for the alleged offence under Sections 406, 408 409, 417, 420, 467, 468, 471, 473, 477 r/w. 120(B) of IPC. The name of the petitioner did not find place in FIR but subsequently, at the time of filing of final report, he has been arrayed as A8. Since the petitioner is an advocate, he can draft and prepare the documents and no licence is needed



as per rules. Only because of preparing a document, he has been roped into the crime. Further based on the information given by the parties only, he had prepared the document. He has no intention to cheat anybody. The offences as against this petitioner would not attract.

5.The learned Additional Public Prosecutor appearing for the first respondent would contend that based on the complaint given by the second respondent, the first respondent has registered the FIR and thereafter, the case was investigated. After investigation, the petitioner was also involved in the case by creating the documents and thereby, he was also included in the final report and since *prima facie* is available to proceed with the case, thereby they filed a final report. Hence, this petition is liable to be dismissed.

6.This Court heard both sides and perused the materials available on records.

7.On perusal of the records, it is observed that the specific allegation against the petitioner is that under the capacity of document writer, this petitioner prepared the document and being an advocate, he cannot prepare the document as per Section 4(1) Rules, 1982 has to obtain licence. Without licence, he cannot prepare the document as if he was a document writer.

Further the next allegation is that he suppressed the house situated in the



disputed property and thereby, caused loss to the Government. These are the allegations alleged against the petitioner. As far as first allegation is concerned, even according to the rules, the Advocates are exempted from getting licence under Section 1A of the Tamil Nadu Document Writers Licence Rules, 1982. As far as the existence of the house is concerned, it is the duty of the concerned Sub Registrar, who registering the document to make visit and enquire about the existence of the house. The petitioner being the document writer has no role to inspect the property and he has to act as per the instruction given by the parties. Only because of writing the document, the petitioner cannot added as accused in this case and the allegations made against the petitioner will not constitute any offence as against the petitioner. Apart from these allegations, there are no other allegation as against this petitioner. Thereby, the charge sheet filed as against the petitioner for the aforesaid offence is liable to be quashed. Accordingly, the charge against the petitioner is quashed.

8.In view of the above, this Criminal Revision Petition is allowed. Consequently, connected miscellaneous petitions are closed.

24.07.2023

NCC : Yes/No
Internet : Yes/No
Index : Yes/No

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To

- 1.The Judicial Magistrate No.III, Madurai.
- 2.The Inspector of Police,
CCIW,
Madurai City,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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P. DHANABAL,J.

Mrn

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