



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 13.07.2023

CORAM:

THE HONOURABLE DR.JUSTICE D.NAGARJUN

Crl.O.P.(MD)No.12630 of 2023
and Crl.M.P(MD)Nos.9898 and 9899 of 2023

Susila

... Petitioner/Accused No.2

Vs.

1.The Inspector of Police,
SIPCOT Police Station,
Manamadurai,
Sivagangai District. ..1st Respondent/Complainant

2. Rengasamy ... 2nd Respondent/Defacto complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records relating to the charge sheet C.C.No.50 of 2023 pending on the file of the Judicial Magistrate, Manamadurai and quash the same as against the petitioner.

For Petitioner : Mr.G.Karuppasamy Pandiyan

For R1 : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

ORDER

This Criminal Original Petition is filed seeking quashment of C.C.No.50 of 2023 pending on the file of the Judicial Magistrate,



Manamadurai.

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2. A complaint has been given by the defacto complainant against the 2nd respondent alleging that the patta belonging to him was forged and manipulated as if it is given to the first accused. A case has been registered in Crime No.51 of 2013 on the file of the first respondent for the offences punishable under Sections 167 and 465 IPC against the 2nd respondent/accused and Tahsildar concerned and others. After completion of investigation, charge sheet has been filed by deleting the name of Tahsildar and the same was taken on file as C.C.No. 50 of 2023 on the file of the Judicial Magistrate, Manamadurai. It is submitted by the learned counsel for the petitioner that the petitioner is an innocent person, that she is working on deputation basis. She was made as scapegoat in this case.

3. The learned Additional Public Prosecutor submits that investigation conducted by the police revealed that the petitioner was in-charge of software pertaining to pattas and the said software is password protected and that the petitioner can operate the same and the petitioner in collusion with accused No.2, has created fake patta and document in favour of the 2nd respondent/accused without approval of the Tahsildar.



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4. The questions whether the petitioner was in-charge of the software, whether approval of the Tahsidlar was given for issuance of patta and whether the petitioner has allegedly manipulated and created fake patta by way of forgery in favour of 2nd respondent/accused, cannot be decided in the petition filed under Section 482 Cr.P.C. It is for the trial court to consider and decide the same after conducting a full-pledged trial and on considering the materials placed before it and after framing appropriate charges. This Court cannot conduct mini trial. Further, on the ground that in the contents of charge sheet, there are allegations against the accused.

5. Considering the facts and circumstances of the case, on hearing both sides, it is not a fit case to quash the charge sheet, this petition is disposed of at this stage directing the learned Judicial Magistrate, Manamadurai, to dispose of C.C.No.50 of 2023 as expeditiously as possible preferably within a period of six months from the date of receipt of a copy of this order and that the prosecution is directed to co-operate for the speedy disposal of the case. Further, the petitioner is aged about 75 years, the presence of the petitioner during the course of trial is dispensed with. Further, the learned Magistrate is at liberty to direct the



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petitioner to be present in the court for answering the charges and for examination u/s 313 Cr.P.C, etc.

6. With the above directions, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

Index : Yes/No
Internet : Yes/No
CM

13.07.2023

To,
1. The Inspector of Police,
SIPCOT Police Station,
Manamadurai,
Sivagangai District.

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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DR.D.NAGARJUN. J.

CM

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