



Crl.O.P(MD).No.12285 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.08.2023

CORAM:

THE HONOURABLE MR. JUSTICE P. DHANABAL

Crl.O.P(MD).No.12285 of 2019

and

Crl.M.P(MD) No.7708 of 2019

Vijayaprabhu

...Petitioner

Vs

1. The Inspector of Police
Anti Land Grabbing Special Cell
Ramanathapuram
Ramanathapuram District

2. K.S.Sesashtiri

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying this Court to call for the records from the Judicial Magistrate Court, Paramakudi in C.C. No.1 of 2019 dated 04.01.2019 and quash the same.

(Amended as per the order of this Court dated 01.10.2019 in M.P(MD) No.8435 of 2019)

For Petitioner	: Mr.N.Sathish Babu
For R-1	: Mr.M.Sakthikumar Government Advocate(Crl.Side)
For R-2	: No appearance

ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C. No.1 of 2019 on the file of Judicial Magistrate

Court, Paramakudi

<https://www.mhc.tn.gov.in/judis>



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2. According to the petitioner the petitioner has been arrayed as 17th accused in the charge sheet for the offences under Sections 120(B), 419,420,423,465,467, 468 and 471 of IPC. According to prosecution the disputed land mentioned in the charge sheet has been purchased by the second respondent on 01.02.2007 and 06.07.2007 by way of registered sale deeds. The accused 1 to 9 are no way connected with the above said property and all are with common intention to grab the same by creating forged documents such as power of attorney. The accused 8 and 9 acted as attested witness of the above said forged power of attorney. The accused 1 to 11 have conveyed the property by using the above said forged power of attorney to third parties by way of registered sale deed and this petitioner is the typist of the said power of attorney and thereby based on the complaint given by the second respondent a case in Crime No.11 of 2011 was registered for the offences under Sections 120(b),419,420,423,465,467,468 and 471 of IPC by the first respondent. After investigation the first respondent filed final report before the trial Court and the same was taken on file in C.C. No.1 of 2019. In fact this petitioner was no way connected with the above said crime and he only typed the power of attorney deed apart from that there is no other allegation as against this petitioner.

3. No counter was filed by the respondents.



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4. After receipt of private notice none appeared on behalf of the second respondent and the name printed in the cause list.

5. The learned counsel for the petitioner would contend that the second respondent has given complaint before the first respondent as against the petitioner and others. Based on that complaint the first respondent registered a case in Crime No.11 of 2011 for the offences under Sections 120(B),419,420,423,465,467,468 and 471 of IPC and after investigation filed final report. According to the case of prosecution the petitioner is only a typist and he only typed the alleged forged document ie., power deed and no offence is made out as against this petitioner. This petitioner only typed as per the instructions given by the document writer as well as the parties, therefore the charge against the petitioner is liable to be quashed.

6. The learned Government Advocate(Crl.Side) would contend that the second respondent has given complaint before the first respondent and based on the complaint First Information Report was registered in Crime No.11 of 2011 for the offences under Sections 120(B),419, 420, 423, 465, 467, 468 and 471 of IPC. Thereafter the first respondent filed final report and as per the final report this petitioner conspired along with other accused and typed forged power deed and



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thereby he also committed the offence and after trial only the act of the petitioner could be decided and now *prima facie* materials are available to proceed as against this petitioner and hence the petition is liable to be dismissed.

7. Heard both sides and perused the materials available on record.

8. On perusal of the records it is observed that the second respondent had given complaint as against this petitioner and others and after investigation the first respondent filed final report for the offences under Sections 120(B),419,420,423,465,467,468 and 471 of IPC and the same has been taken on file in C.C. No.1 of 2019 by the learned Judicial Magistrate (Land Grabbing Cases), Ramanathapuram . As per the prosecution case the allegation as against the petitioner is that he conspired with other accused and typed the alleged forged power deed. The copy of power deed is also produced before this Court. On perusal of the same, it is revealed that the petitioner typed the said power deed as typist. Apart from that there is no other allegations as against this petitioner. Mere allegation that he typed the power deed is not sufficient to constitute the offence. Even according to the charge sheet there is no any offence is made out as against this petitioner since he only typed the said power deed. Therefore the petitioner need not



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face the trial based on the bald allegations, thereby the charge is liable to be quashed.

9.At this juncture the learned counsel appearing for the petitioner brought to the notice of this Court that at the time of filing this petition the case was taken on the file by the Special Judicial Magistrate(Land Grabbing Cases)Ramanathapuram and thereafter it was transferred to the file of the learned Judicial Magistrate, Paramakudi and taken on file in C.C. No.1 of 2019 and thereafter it was again transferred to the file of the learned Judicial Magistrate No.II, Ramanathapuram and taken on file in C.C. No.475 of 2023 and now it is pending in the said Court

10. In view of the above discussions, this Criminal Original Petition is allowed and the proceedings in C.C. No.475 of 2023 on the file of learned Judicial Magistrate No.II, Ramanathpuram is hereby quashed in so far as the petitioner is concerned. Consequently connected miscellaneous petition is closed.

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

1. The Judicial Magistrate No.II, Ramanathapuram
2. The Inspector of Police
Anti Land Grabbing Special Cell
Ramanathapuram
Ramanathapuram District.
3. The Additional Public Prosecutor
Madurai Bench of Madras High Court
Madurai



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P. DHANABAL,J.

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