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Crl.O.P.No.3743 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2024

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.3743 of 2022
and
Crl.M.P.No.1799 of 2022

M.Velu

... Petitioner

Vs.

1.State Rep. by
The Inspector of Police,
District Crime Branch,
Kancheepuram.
Crime No.27 of 2018.

2.Radhakrishnan

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C.,
praying to call for the records in connection with C.C.No.230 of 2020 on
the file of the Judicial Magistrate No.I, Kancheepuram.

For Petitioner	: Mr.V.Balu
For R1	: Mr.S.Vinoth Kumar
	Government Advocate (Crl.Side)



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ORDER

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This petition has been filed to quash the C.C.No.230 of 2020 on the file of the Judicial Magistrate No.I, Kancheepuram, in which cognizance was taken for the alleged offence punishable under Sections 468, 471, 420, 423 and 34 of IPC, against the petitioner.

2. The case of the prosecution is that the petitioner along with other 17 accused persons have allegedly sold the trust properties situated at Vellalar Village, Sriperumbudur Taluk in Survey No.137/2A, 137/2C, 145/1, 39/1A1, 39/1A2, 39/3B, 39/1A3, 140/2B3 in Patta No.22 to the extent of 10.18 acres to various persons by converting into plots and thereby misappropriating the trust properties and made illegal gains by using forged documents as genuine one. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he is no way connected with the offence made by the defacto complainant. He further submitted that against this petitioner the prosecution has not produced any material evidence to show that he was actively participated in the alleged occurrence. He further submitted that the



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respondent has examined 44 witnesses, out of which 1 to 6 witnesses are trustee members, 30 witnesses are purchasers, 3 witnesses from registration department and 4 other witnesses are police persons. He also submitted that there is no specific overt act against this petitioner, hence he prays to quash the proceedings against the petitioner.

4. The learned Government Advocate (Crl.Side) submitted that the petitioner and other accused persons forged the documents and illegally sold the trust property, more than 1 Crore is involved in this transaction. He further contended that the petitioner is actively participated to sale the trust properties and he played as a master mind and knowing fully the petitioner sold the trust properties and he needs detailed investigation. Hence, he opposed to quash the proceedings against the petitioner.

5. On considering the facts and circumstances, and also considering the submissions made by both side counsels, and it is at the premature stage, and it needs detailed investigation. At this stage, I am not inclined to quash the proceedings in C.C.No.230 of 2020 on the file of the Judicial Magistrate No.I, Kancheepuram. If at all the petitioner has to prove his innocence,



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liberty is granted to him to work out his remedy before the trial Court in the manner known to law.

6. Accordingly, this Criminal Original Petition is dismissed.

Consequently, connected miscellaneous petition is closed.

11.03.2024

Index: Yes/ No

Neutral Citation: Yes/No

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To

1.The Inspector of Police,
District Crime Branch,
Kancheepuram.
Crime No.27 of 2018.

2.The Public Prosecutor,
High Court of Madras.



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T.V.THAMILSELVI, J.

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