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Crl.O.P.No.4714 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2024

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.4714 of 2022
and Crl.M.P.Nos.2463 & 2462 of 2022

Perumal

... Petitioner

Vs.

1.State Rep. by
The Inspector of Police
District Crime Branch Police Station,
Kanchipuram District. (Crime No.23 of 2019)

2.Sonalishah

...Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., praying to call for the records in connection with C.C.No.17 of 2021 on the file of the Judicial Magistrate No.II, Chengalpattu and quash the same.

For Petitioner : Mr. R.Sasikumar
For R1 : Mr. S.Vinoth Kumar
Government Advocate (Crl.side)

ORDER

The petitioner has filed this Criminal Original petitions to quash the proceedings in C.C.No.17 of 2021 on the file of the Judicial Magistrate No.II, Chengalpattu, in which cognizance was taken for the offence punishable under Sections 419, 465, 468, 471 420 and Section 34 of IPC.



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2. The case of the prosecution is that on 20.07.2019, the petitioner, being an Advocate by profession, along with other accused persons, prepared bogus documents and arranged bogus persons to impersonate the defacto complainant for the purpose of executing a fraudulent sale deed, hence the complaint.

3. The learned counsel for the petitioner submitted that based on the confession statement given by one Muthukumar / A2, the petitioner was falsely implicated in this case. He further argued that the name of the petitioner is not found in FIR, and in the charge sheet, no allegations were leveled against the petitioner. Moreover, there is no specific allegation that prima facie discloses any offence against the petitioner. Therefore, he prayed for the proceedings against the petitioner to be quashed.

4. The learned counsel for the respondent countered that the petitioner and other accused persons fabricated documents and executed the sale deed, thus cheating the defacto complainant. Furthermore, it was pointed out that two previous cases of similar nature are pending. Based on the complainant lodged by the defacto complainant, an FIR was registered in Crime No.23 of



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2019, and the case was taken on file in C.C.No.17 of 2021 on the file of the Judicial Magistrate No.II, Chengalpattu. The trial has commenced, and it requires detailed evidence, hence, strong objections are raised against quashing the proceedings against the petitioner.

5. Considering the facts and circumstances, as well as the submissions made by the learned Government Advocate (Crl.Side), and acknowledging that the trial has commenced and requires detailed evidence, this Court declines to quash the proceedings in C.C.No.17 of 2021 on the file of the Judicial Magistrate No.II, Chengalpattu at this stage.

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

09.01.2024

Speaking Order/ Non Speaking Order
Index: Yes/ No
Neutral Citation: Yes/No

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T.V.THAMILSELVI, J.

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