



WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2024

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRL.OP No. 6902 of 2022
& Crl. MP. No. 3891 of 2022

G.Srinivasan

[PETITIONER]

Vs

1 STATE REP BY
INSPECTOR OF POLICE
DISTRICT CRIME BRACH, DHARMAPURE DISTRICT.
CRIME NO. 8 OF 2016

2.LAKSHMI NARYANAN

[RESPONDENTS]

PRAYER : This petition has been filed under Section 482 of Cr.P.C, to
Call for the records made in C.C No. 68 of 2017 on the file of Judicial
Magistrate - II, Dharmapuri and quash the same as illegal.

For Petitioners : Mr.K.Kalaikovan

For R1 : Mr.S.Vinoth kumar,

Government Advocate crl. side



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ORDER

The petitioners herein filed this petition to Call for the records made in C.C No. 68 of 2017 on the file of Judicial Magistrate - II, Dharmapuri and quash the same as illegal.

2. The case of the prosecution is that based on the power deed dated 24.03.2008 the petitioner along with other accused persons executed the sale deed dated 28.12.2011 in favour of the defacto complainant's wife. Thereafter, the defacto complainant approached the power grantor Jaya @ Bhuvaneswari for obtaining title deed but she stated that she has not possessed any such property as stated in the power of attorney. Subsequently, the defacto complainant came to know that the said power of attorney was executed using fabricated document. Thereby, the petitioner along with other accused person cheated the defacto complainant to the tune of Rs.7,00,000/- and also abused them. Based on the said complainant the respondent police filed a FIR in crime No. 8 of 2016 under Section 120B, 465, 468, 471 419 , 406 420, 294 (b) and 506 (i) of IPC. After completing the investigation the respondent police filed a final report C.C No. 68 of 2017 on the file of Judicial Magistrate - II, Dharmapuri and quash the same



as illegal.

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3. The learned counsel for the petitioner submits that the petitioner has only signed as a witness in the power of attorney and he was falsely implicated in this case, except he signed in the document he has not aware of the authenticity of the document. Hence, he prays to allow this petition.

4. The learned Government Advocate (crl. side) raised strong objection stating that the petitioner was knowingly signed the said document. Hence, prays to dismiss this petition.

5. On seeing the facts of the case, investigation has been completed and the prosecution filed the final report and also the matter is ripe for trial. Hence, the petitioner can work out his remedy before the Trial Court, this Court is not inclined to allow this petition. Further, considering the age of the petitioner, his appearance before the Trial Court is dispensed with.

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T.V.THAMILSELVI, J.

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To

- 1.The Public Prosecutor, High Court, Madras.
2. The Judicial Magistrate - II, Dharmapuri.

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