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Crl.O.P.No.18298 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2024

CORAM :

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

Crl.O.P.No.18298 of 2022
and Crl.M.P.No.12048 of 2022

P.K.N.Thalapathy

... Petitioner

Versus

1.The State Rep. by
Inspector of Police,
Anti-Land Grabbing Special Cell,
Tiruppur,
Tiruppur District.
Crime No.27 of 2013.

2.Jagannathan

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, praying to call for the records relating to C.C.No.315 of 2022, pending on the file of the Special Court for Exclusive Trial of Land Grabbing Cases, Tiruppur and quash the same.

For Petitioner	: Mr.N.Manoharan
For R1	: Mr.S.Vinoth Kumar Government Advocate (Crl.Side)
For R2	: M/s.Karunadevi for Mr.L.P.Ananthakrishna

ORDER

This petition has been filed to quash the proceedings in C.C.No.315 of



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2022, pending on the file of the Special Court for Exclusive Trial of Land Grabbing Cases, Tiruppur as against the petitioner, in which the cognizance was taken for the offences under Sections 120(b), 419, 420, 423, 467, 468, 471 of IPC and Section 82 of the Registration Act, 1908.

2. The prosecution's case asserts that the petitioner and other accused individuals provided a General Power of Attorney (POA) deed to A2 and Sivanadam. Subsequently, the POA executed a sale deed to one Manimaran, who then executed a sale deed to A3 and A4, followed by the execution of a Power of Attorney dated 26.05.2005 to A5 and A1. The Power of Attorney was cancelled on 29.01.2008, after which an extent of 30 cents was sold to PAP canal. Consequently, the 2nd respondent filed a complaint before the learned Special Court for Exclusive trial of Land Grabbing Cases, Tiruppur.

3. The learned counsel for the petitioner submitted that the petitioner is no way connected to the alleged offence committed by the defacto complainant. It is further asserted that the petitioner's signature was not present as a witness in the General Power of Attorney dated 28.08.2009, and he was falsely implicated in the case. Hence, he request the quashing of the proceeding against the petitioners.



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4. The learned counsel for the Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner is listed as A6 and has provided a statement and signed the Power deed and its cancellation, pertaining to the property related to one Krishnan /A3. Despite having full knowledge, the petitioner now denies signing the document as witnesses.

5. Considering the facts and circumstances, the presence of the petitioner's signature in the alleged document needs to be proven according to the legal procedures. At this stage, I do not find any reason to quash the proceedings against the petitioner, and there is no evidence to suggest that his signature was forged. The petitioner is granted liberty to pursue his remedy before the trial Court, in the manner known to the law.

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

20.02.2024

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

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T.V.THAMILSELVI, J.

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