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Crl.O.P.No.24580 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.02.2024

CORAM :

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

Crl.O.P.No.24580 of 2022

and

Crl.M.P.No.15442 of 2022

Illango

... Petitioner

Versus

1.The State rep. by
Inspector of Police,
Orienpet Police Station,
Puducherry.

2.P.Anbazzhagan

... 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.336 of 2015, pending on the file of the Judicial Magistrate No.II, Pondicherry and quash the same.

For Petitioners : Mr.V.M.R.Rajendran

For R1 : Mr.M.V.Ramachandramurthy
Additionally Public Prosecutor (Pondy)

ORDER

This petition has been filed to quash the proceedings in C.C.No.336 of 2015, pending on the file of the Judicial Magistrate No.II, Pondicherry as



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against the petitioner, in which cognizance was taken for the offences under Sections 420, 471 of IPC.

2. The case of the prosecution is that on 18.01.2012 at about 5.30 p.m. the 1st accused went to the 2nd respondent's office and tried to get a counter sign from one Pattabiraman who works as a peon at the Sub-Registrar Office, Puducherry. The 1st accused claimed that the 2nd respondent directed him to obtain a counter sign on the Encumbrance Certificate. Suspecting foul play, Pattabiraman enquired with the 2nd respondent and discovered that 1st accused had created forged documents, falsely indicating that one Shanthi a former employee at the Sub-Registrar office, had already signed in the certificate. Subsequently, the 2nd respondent, after informing higher authorities, lodged a complaint at the 1st respondent police station, along with the forged encumbrance certificate, leading to the apprehension of the 1st accused. The charges against the petitioner assert that they, along with A2, instigated the first accused to create the forged encumbrance certificate and used it as genuine before the Sub-Registrar Office, Saram, Puducherry.

3. The learned counsel for the petitioner submitted that the 1st respondent filed a charge sheet against the petitioner without any material or



documentary evidence. Furthermore, they contend that no prima facie case has been made out against the petitioner. It is also argued that the charges against the petitioner and A2 revolve around instigating A1 to create a forged encumbrance certificate, but there is no evidence regarding whether the witness Shanthi signed the alleged Encumbrance Certificate, apart from 161 statements. Moreover, it is asserted that there was no necessity to instigate A1 to create alleged Encumbrance Certificate since the property belonged to A2 Rajanishkumar Rai. Hence, the petitioner prays for the quashing of the proceedings against him.

4. The learned Public Prosecutor (Puducherry) appearing for the 1st respondent submitted that the petitioner and other accused persons instigated A1 to create a forged Encumbrance Certificate at the Sub-Registrar office, Puducherry. Based on the complaint lodged by the defacto complainant, an FIR was registered under Crime No.22 of 2012 and the case was filed as C.C.No.336 of 2022, before the learned Judicial Magistrate No.II, Pondicherry.

5. Upon considering the facts and circumstance, the allegation against the petitioner is that he fabricated the document and obtained the



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T.V.THAMILSELVI, J.

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Encumbrance certificate, with the complaint also provided by the
Registration authority. Therefore, it necessitates detailed investigation, and
this Court declines to quash the proceedings in C.C.No.336 of 2022, on the
file of the Judicial Magistrate No.II, Pondicherry.

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

29.02.2024

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

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To

1. The Inspector of Police,
Orienpet Police Station,
Puducherry.

2.The Public Prosecutor,
High Court of Madras.

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and
Crl.M.P.No.15442 of 2022