



WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2024

CORAM:

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

CRL.OP No. 26118 of 2022

S.P.Parthiban

...Petitioner

Vs.

State of Tamil Nadu
Rep. by Deputy Superintendent of Police,
District Crime Branch,
Salem District.

...Respondent

PRAYER : This petition has been filed under Section 482 of Cr.P.C , to
call for the entire records related to the impugned final report in C.C No.
501 of 2021 on the file of the learned Judicial Magistrate No.VI, Salem and
quash the same.

For Petitioner : Mr.J.Hariharan

For R1 : S.Vinoth Kumar
Government Advocate (Crl.side)

**ORDER**

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The petitioners herein filed this petition to call for the entire records related to the impugned final report in C.C No. 501 of 2021 on the file of the learned Judicial Magistrate No.VI, Salem and quash the same.

2. The case of the prosecution is that one accused/Krishna fraudulently created patta for the subject property and other property belonging to the Chinraj Konar and executed a settlement deed dated 17.05.2006 in favour of his sons/2 and 3 accused and registered the same as document No. 954/2006 on the file of the SRO, Valapadi, thereby grabbed the properties ad measuring 2 acres 28 cents fraudulently. The petitioner herein as a document writer had been a scribe to the said settlement deed and the 5th accused who is now retired and then the Sub Registrar had registered the said settlement deed without verifying the documents as to the right of the first accused to execute the said settlement deed. Hence, the first respondent after investigation had laid the final report before the Trial Court. Challenging the said C.C No. 501 of 2021 the petitioner filed this petition to quash the same.

3. The learned counsel for the petitioner submits that except drafting



the document the petitioner has no role in the case and also except his fees he has not received any monetary benefit from the first accused nor he played any other role with the accused persons but the respondent filed the final report against the petitioner for the offence under section 465, 467, 468, 471, 420, 120B r/w 109 of IPC. Hence, the petitioner filed this petition to quash the final report.

4. On perusal of the records, it reveals that the petitioners along other accused persons alleged to have fraudulently created the fabricated document and obtained patta from the revenue department, through which, the first petitioner executed the settlement deed in favour of his sons/second and third accused. Further, the petitioner's role is as document writer had created the document and the Sub Registrar who registered the document also impleaded as fourth and fifth accused respectively. This Court is of the view there is *prima facie* material that the petitioner has actively participated in the offence and the prosecution rightly impleaded the petitioner as accused. Hence, this Court is not inclined to allow this petition. However, the appearance of the petitioner before the Trial Court is dispensed with and directed to appear before the Trial Court as and when required.



5. In the result, this petition is dismissed. No Costs. Consequentially,
connected miscellaneous petition is closed.

13.03.2024

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To

1. The Public Prosecutor,
High Court, Madras.
2. The Judicial Magistrate No.VI, Salem.



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T.V.THAMILSELVI, J.

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