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Crl.O.P.No.28026 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2024

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THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.O.P.No.28026 of 2024 &
Crl.M.P.Nos.15575 & 15577 of 2024

A.Ravi

... Petitioner

Vs.

1.State rep. by
the Inspector of Police,
District Crime Branch (DCB),
Avadi, Tiruvallur.

2.M.V.Sathik

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 BNSS, to quash C.C.No.85 of 2024 pending on the file of the learned Judicial Magistrate-II, at Ponneri as against the petitioner/Accused No.8 herein.

For Petitioner : Mr.R.Vinayaga Vishnu

For Respondents : Mr.S.Sugendran
Additional Public Prosecutor for R1

No appearance for R2



CrI.O.P.No.28026 of 2024

WEB COPY

ORDER

This petition is to quash the C.C.No.85 of 2024, pending on the file of the learned Judicial Magistrate-II, at Ponneri as against the petitioner/accused No.8.

2. The case of the prosecution is that the complainant, M.V.Sathik, is the General Power of Attorney (GPA) agent for the legal heirs of Mr. Abbas M.A. Haji, who was the rightful owner of a property in Attanthangal Village, Ponneri Taluk, Thiruvallur District. After Mr.Haji's death, the legal heirs granted GPA to Sathik in 2015. The prosecution alleges that the accused, including the petitioner (A. Ravi), forged documents and impersonated the original owner to execute a sale deed of the property and hence a case was filed against the petitioner for the offences under Sections 419, 420, 465, 468, and 471 of the IPC.

3. The learned counsel for the petitioner submits that the petitioner is a bona fide purchaser who acted in good faith while purchasing the property from R.Sampath (Accused No.2). The petitioner had no knowledge of the alleged forged documents or the impersonation of the original owner by the other accused. The learned counsel argues that there is no *prima facie* case to support the charges under sections 419, 420, 465, 468, and 471 of the IPC



CrI.O.P.No.28026 of 2024

against the petitioner, as he was unaware of the fraudulent activities and relied on the documents provided to him. The learned counsel highlights that the petitioner has been wrongfully implicated without proper inquiry, as the charge sheet was filed mechanically, without considering the facts of the case. Hence, the learned counsel prays that C.C.No.85 of 2024 pending before the Learned Judicial Magistrate II Court, Ponneri, be quashed, stating that the criminal complaint lacks merit and was filed with concocted facts.

4. Heard the learned Additional Public Prosecutor appearing for the respondent police on the submissions made by the learned counsel for the petitioner.

5. Upon considering the records, including the charge sheet and the statements recorded under Section 161 of the Criminal Procedure Code, it appears that some witnesses have alleged that the petitioner, along with the other accused, played a role in the transaction involving forged documents. The witnesses have claimed that the third accused altered the original documents, and these altered documents were later sold to the petitioner, who subsequently became the registered owner of the property. Whether the petitioner was fully aware of the forged nature of the documents or was inadvertently involved in the fraudulent act is a matter that can only be clarified through a full trial. At this stage, the Court cannot conclusively



CrI.O.P.No.28026 of 2024

determine whether the petitioner acted in good faith or had any knowledge of the forgery. Considering the seriousness of the allegations and the evidence implicating the petitioner, it is not appropriate to quash the proceedings at this stage. Therefore, the petition is dismissed, and the petitioner is directed to present his defense during the trial. Consequently, the connected miscellaneous petitions are closed.

09.12.2024

Index : Yes/No

Neutral Citation Case : Yes/No

Speaking Order : Yes/No

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CrI.O.P.No.28026 of 2024

WEB COPY

To

- 1.The Inspector of Police,
District Crime Branch (DCB),
Avadi, Tiruvallur.
- 2.The Judicial Magistrate-II,
Ponneri.
3. The Public Prosecutor,
High Court, Madras.



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Crl.O.P.No.28026 of 2024

P.VELMURUGAN, J

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Crl.M.P.Nos.15575 & 15577 of 2024**

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