



CrI.O.P.(MD)No.4028 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **01.02.2024**

CORAM:

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

CrI.O.P.(MD) No.4028 of 2022

and

CrI.M.P.(MD).No.2931 of 2022

A.Mohanavelu

... Petitioner / Accused No.2

Vs.

1.The State through
the Inspector of Police,
DCB Police Station,
Thanjavur District.
In Crime No.25 of 2014

2.S.Vaithiyanathan

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to C.C.No.27 of 2020 on the file of the learned Judicial Magistrate, Thanjavur District and quash the same.

For petitioner

: Mr.K.S.Duraipandian

For R-1

: Mr.P.Kottaichamy
Government Advocate
(Criminal Side)



ORDER

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This petition has been filed seeking to quash the proceedings in C.C.No.27 of 2020 on the file of the learned Judicial Magistrate, Thanjavur District against the petitioner herein.

2. The case of the prosecution is that the petitioner along with other accused persons have fabricated the sale deed dated 29.07.2013 by impersonating the second respondent / *defacto* complainant. But the *defacto* complainant never executed the sale deed in favour of accused No.1 and the signature and thumb impression found in the sale deed in favour of the first accused was not that of the *defacto* complainant. Hence, the second respondent preferred a complaint to the Superintendent of Police, Thanjavur District and the same was forwarded to the Land Grabbing Special Cells and thereafter, the Police officials registered FIR in Crime No.25 of 2014 for the offence punishable under Sections 120(b), 419, 420, 465, 467, 468 and 471 IPC and conducted the investigation and after conducting the investigation, the respondent Police filed a charge sheet before the learned Judicial Magistrate, Thanjavur and the the learned Judicial Magistrate has taken cognizance in C.C.No.27 of 2020 for the offence punishable under Sections 120(b), 419, 420, 465, 467, 468, 471 and 423 IPC.



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3. The learned counsel appearing for the petitioner would submit that a false case has been foisted against the petitioner and there is no specific allegation as against the petitioner.

4. The learned Government Advocate (Crl. Side) would submit that there are materials available to proceed with the case as against the petitioner herein and at the threshold, the criminal proceedings cannot be quashed and the charges against the petitioner have to be gone into only at the time of trial and hence, he prayed for dismissal of the petition.

5. In the above circumstances, the trial court has rightly taken the case on file and this Court is of the considered view that no prejudice would be caused to the petitioner, if he is subjected to due trial as sufficient opportunity would be given to the petitioner to put forth his defence. The petitioner cannot be let by quashing the charges framed against him as that would completely undermine the alleged act, which is the subject matter of criminal trial pending against him. Useful reference in this regard can be made to the decision of the Hon'ble Apex Court in

State of Haryana – Vs - Bhajan Lal (1992 SCC (Crl.) 426)



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6. For the reasons aforesaid, this Court finds no ground or scope to quash C.C.No.27 of 2020, pending on the file of the learned Judicial Magistrate, Thanjavur. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

7. The learned counsel appearing for the petitioner would submit that this Court may consider to dispense with the personal appearance of the petitioner before the court below. Taking into consideration the request as made by the learned counsel for the petitioner, the appearance of the petitioner before the trial court is dispensed with except for his appearance for the purpose of receiving the copy of the proceedings u/s 207 Cr.P.C., framing of charges, questioning under Section 313 Cr.P.C. and on the day on which judgment is to be pronounced. However, if for any particular reason, the presence of the petitioner is necessary, the trial court, at its wisdom, shall direct his appearance on those days.

01.02.2024

Index : Yes/No
Internet : Yes/No
TSG



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To

1. The Judicial Magistrate, Thanjavur District.

2. The Inspector of Police,
DCB Police Station,
Thanjavur District..

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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M.DHANDAPANI. J.

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