



CrI.O.P.(MD) No.14521 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 02.01.2024

CORAM:

THE HONOURABLE Mrs. JUSTICE R. HEMALATHA

CrI.O.P.(MD) No.14521 of 2020

and

CrI.M.P(MD)Nos.6829 and 6831 of 2020

Puttu Ismayil

... Petitioner/Sole Accused

Vs.

1.The State,
Represented by,
The Inspector of Police,
City Crime Branch, (ALGSC)
Tiruchirappalli.
(Crime No.12 of 2015)

... 1st Respondent/Complainant

2.K.G.Jahir Husain

...2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records pertaining to the charge sheet in C.C.No.2362 of 2019 on the file of the learned Judicial Magistrate No.I, Tiruchirappalli District and to quash the same.

For Petitioner : Mr.K.Veilmuthu

For R-1 : Mr.S.Manikandan
Government Advocate (Criminal Side)

For R-2 : Mr.B.Jameel Arasu



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ORDER

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Challenge in this Criminal Original Petition is to the charge sheet in C.C.No.2362 of 2019 filed by the Inspector of Police, City Crime Branch, (ALGSC) Tiruchirappalli before the learned Judicial Magistrate No.I, Tiruchirappalli.

2. The case of the prosecution is that the petitioner / accused created a fabricated unregistered sale deed dated 05.10.1999, as if his father had purchased a property situated in T.S.No.3/1 Block No.21 Ward F, Nathersha Pallivasal, Trichy, measuring 1000 square feet for a sum of Rs.1,82,000/- (Rupees One Lakh Eighty Two Thousand only) from one Ahamed Sherif, son of Mehaboob Sherif.

3. The learned counsel appearing on behalf of the petitioner contended that the petitioner has not fabricated any document and that his father actually purchased the property in T.S.No.3/1 Block No.21 Ward F, Nathersha Pallivasal, Trichy, measuring 1000 square feet from one Ahamed Sherif, son of Mehaboob Sherif on 05.10.1999 and that on the basis of the false complaint given by the respondent/defacto complainant, the Police had registered an FIR in Crime No. 12 of 2015 and thereafter filed a final report in C.C.No.2362 of 2019 before the learned Judicial Magistrate No.I, Tiruchirappalli. The specific contention is that



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when the accused had not created any false document, he cannot be charged for the offences punishable under Sections 447, 465, 468, 471 and 506(ii) IPC.

4. Per contra, the learned counsel appearing for the defacto complainant would contend that though the petitioner/accused contends that he has not created any document, the same cannot be accepted for the simple reason that the Police, after conducting proper investigation, has come to a conclusion that the petitioner accused has created document in the name of his father. It is also contended by him that when there is a disputed fact, the same cannot be decided by this Court while dealing with the petition under Section 482 Cr.P.C.

5. A perusal of the records shows that the first respondent Police after conducting investigation has laid a charge sheet against the present petitioner/accused for the alleged offences punishable under Sections 447, 465, 468, 471 and 506(ii) IPC. Though it is contended by the accused that he did not create any documents as alleged by the prosecution, the same cannot be decided in the present petition, because the truth or otherwise of the allegations made by the prosecution can be found out only after full fledged trial. It is also pertinent to point out here that a civil suit in O.S.No.1760 of 2011 was filed by the present petitioner for a bare injunction before the Principal District Munsif Court, Trichy and the same is still pending. The sale deed in favour of the



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father of the petitioner/accused is an unregistered document, whereas the sale deed in favour of defacto complainant is a registered document and the property admittedly is a vacant site.

6. The learned counsel appearing on behalf of the defacto complainant contended that the defacto complainant was not added as a party in the civil suit and that his vendor alone was made as a party. At this juncture, it is relevant to point out here that though the second respondent purchased the property on 23.08.2011 and the suit was filed in the same year before the Principal District Munsif Court, he was not shown as a party. In such circumstances, I do not find any reason to quash the entire calendar case.

7. Accordingly, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petitions are closed.

02.01.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr

To

<https://www.mhc.tn.gov.in/judis>

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- 1.The Judicial Magistrate No.I,
Tiruchirappalli.
- 2.The Inspector of Police,
City Crime Branch, (ALGSC)
Tiruchirappalli.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

R. HEMALATHA, J.



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