



Crl.O.P(MD).No.15263 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.04.2024

CORAM :

THE HON'BLE MR JUSTICE A.A.NAKKIRAN

Crl.O.P(MD).No.15263 of 2021 and
Crl.M.P(MD).No.8186 of 2021

Kalimuthan

... Petitioner

Vs.

1.The State rep. by
Inspector of Police,
Anti Land Grabbing Special Cell,
Sivagangai District,
Sivagangai.

2.The Inspector of Police,
District Crime Branch,
Sivagangai District,
Sivagangai.

3.Selvi

... Respondents

PRAYER:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records relating to the charge sheet in C.C.No.72 of 2021 on the file of the Judicial Magistrate No.II, Sivagangai, Sivagangai District in so far as the petitioner is concerned and quash the same.

For Petitioner : Mr.D. Prahalad Ravi

For respondent Nos.1 & 2 : Mr. K. Sanjai Gandhi

Government Advocate (Crl. Side)

For respondent No.3 : Mr.M.S. Jeyakarthish



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ORDER

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This Criminal Original Petition has been filed to call for the records relating to the charge sheet in C.C.No.72 of 2021 on the file of the Judicial Magistrate No.II, Sivagangai, Sivagangai District and quash the same in so far as the petitioner is concerned.

2. The case of the petitioner is that he had purchased the property from A1 viz., Kannan, by virtue of registered sale deed, dated 04.03.2020 and the patta has also been issued in favour of him. While so, the third respondent herein, who is the sister of A1, has filed a petition under Section 156(3) Cr.P.C., before the Judicial Magistrate to register a complaint against the petitioner stating that the revenue records changed from her father's name viz., Palusamy to Kannan is a fraudulent one. Based on the order passed by the Judicial Magistrate case has been registered in Crime No. 37 of 2019 on the file of the first respondent and thereafter, charge sheet was taken on file in C.C.No.72 of 2021 on the file of the Judicial Magistrate No.II, Sivagangai for the offences under Sections 467, 468, 471, 420 and 120(b) IPC.

3. The learned counsel appearing for the petitioner submitted



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that the allegations levelled against the petitioner said to have taken place in the year 2009 and there is a long delay in lodging a complaint. He further contended that in order to give a criminal colour to the civil dispute, the third respondent has given a false complaint and prays for allowing this petition.

4. The learned Government Advocate (Crl. Side) appearing for the respondents 1 and 2 would submit that there are specific allegations as against the petitioner to attract the offence under Section 420 r/w 34 of IPC. He further submitted that all the points raised by the petitioner has to considered only during the trial and prayed for dismissal of this petition.

5. The learned counsel appearing for the third respondent submitted that the change in the revenue records from Palusamy to Kannan was done surreptitiously and fraudulently by the petitioner herein and is actually an act of fraud and forgery and prayed for dismissal of this petition.

6. Heard the learned counsel appearing on either side and



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perused the materials available on record.

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7. It is seen from the records that there are specific avernments to attract the offences as against the petitioner. Further it is also seen that there are materials to connect the petitioner to the offences. More over all the points raised by the petitioner has to be considered only during the trial. The petitioner is at liberty to raise all the points before the Court below during the trial.

8. In view of the above discussion, this Court is not inclined to quash the proceedings in C.C.No.72 of 2021 on the file of the Judicial Magistrate No.II, Sivagangai, Sivagangai District.

9. Accordingly, this Criminal Original Petition is dismissed. Consequently the connected Miscellaneous Petition is closed.

10.04.2024

Internet : Yes / No
Index : Yes / No
Speaking / Non Speaking order
trp



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To

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1. The Inspector of Police,
Anti Land Grabbing Special Cell,
Sivagangai District,
Sivagangai.

2. The Inspector of Police,
District Crime Branch,
Sivagangai District,
Sivagangai.

3. The Judicial Magistrate No.II, Sivagangai, Sivagangai District

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



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A.A.NAKKIRAN, J.

Trp

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