



Crl.O.P(MD).No.16507 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.06.2024

CORAM :

THE HON'BLE MR JUSTICE A.A.NAKKIRAN

Crl.O.P(MD).No.16507 of 2021 and
Crl.M.P(MD).Nos.8896 and 8897 of 2021

1.S.Kannan

2.S.Sivaraman

... Petitioners / Accused 1 &2

Vs.

1.The State rep. by
The Inspector of Police,
Manamadurai Police Station,
Sivagangai District.
(Crime No.596 of 2020)

.. 1st respondent / complainant

2.S.Baskaran

. 2nd Respondent / defacto complainant

PRAYER:- Petition filed under Section 482 Cr.P.C., to call for the records in C.C.No.77 of 2021 on the file of the Additional Munsif Cum Judicial Magistrate Court at Manamadurai, Sivagangai District and quash the same.

For Petitioners : Mr.P. Ranjithkumar

For 1st Respondent : Mr.K.Sanjai Gandhi

Government Advocate (Crl. Side)

For 2nd respondent : Mr.K. Muralidharan



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ORDER

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This criminal original petition has been filed to call for the records in C.C.No.77 of 2021 on the file of the Additional Munsif – Cum-Judicial Magistrate Court at Manamadurai, Sivagangai District and quash the same.

2.The case of the prosecution is that the accused persons forged the documents with regard to the land property and sold the same and thereby, cheated the defacto complainant. Hence, the second respondent lodged a complaint, based on which, a case in Crime No.596 of 2020 registered for the offences under Sections 466, 471 and 420 IPC. Upon completion of investigation, the first respondent filed the final report, which was taken on file in C.C.No.77 of 2021 by the Additional Munsif - Cum - Judicial Magistrate Court at Manamadurai. Challenging the same, the present petition has been filed.

3. The learned counsel appearing for the petitioners submitted that the petitioners did not commit any offence as alleged by the prosecution and already civil litigations are pending between the petitioners and the second respondent. He further submitted that the second respondent



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lodged the present complaint by giving criminal colour to the civil dispute and the first respondent without conducting proper investigation, filed the final report. Accordingly, he prayed to quash the impugned charge sheet.

4.The learned Additional Public Prosecutor appearing for the first respondent submitted that there are materials available to proceed with the case as against the petitioners herein and at the threshold, the criminal proceedings cannot be quashed and the charges against the petitioners have to be gone into only at the time of trial and hence, he prayed for dismissal of the petition.

5. The learned counsel appearing for the second respondent submitted that the petitioners herein grabbed the property, by way of producing a false death certificate of one Laxmi Ammal and hence, he prayed to dismiss the present petition.

6.Time and again, this Court as well as the Supreme Court has cautioned the courts about the necessary precautions to be taken while quashing the charge sheet at the initial stage. Useful reference in this



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regard can be had to the decision of the Hon'ble Apex Court in ***State of Haryana – Vs - Bhajan Lal (1992 SCC (Crl.) 426).***

7. 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 petitioners if they are subjected to due trial as sufficient opportunity would be given to the petitioners to put forth their defence. The petitioners cannot be let by quashing the charge framed against them as that would completely undermine the alleged acts, which is the subject matter of criminal trial pending against them.

8. For the reasons aforesaid, this Court finds no ground or scope to quash the C.C.No.77 of 2021 on the file of the Additional Munsif Cum Judicial Magistrate Court at Manamadurai, Sivagangai District. Accordingly, this petition, being devoid of merits, is dismissed. Consequently, the connected miscellaneous petitions are closed.

19.06.2024

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



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To

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1. The Additional Munsif Cum Judicial Magistrate Court at Manamadurai, Sivagangai District.
2. The Inspector of Police,
Manamadurai Police Station,
Sivagangai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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A.A.NAKKIRAN, J.

Trp

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CrI.M.P(MD).Nos.8896 and 8897 of 2021**

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