



Crl.O.P(MD).No.18460 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.06.2024

CORAM :

THE HON'BLE MR JUSTICE A.A.NAKKIRAN

Crl.O.P(MD)No.18460 of 2021

and

Crl.MP(MD)No.10179 of 2021

1.Rahimaal Beevi

2.M.Masthan

3.Mumtaj Begum

... Petitioners / Accused Nos.3 to 5

Vs.

1.The State represented by
The Inspector of Police,
Emaneswaram Police Station,
Emaneswaram,
Ramanathapuram District.

... 1st Respondent / Complainant

2.Abdul Kamal Nazar

... 2nd Respondent / Defacto
Complainant

PRAYER:- Petition filed under Section 482 Cr.P.C., to call for the records relating to the case in C.C.No.139 of 2020 on the file of the learned Judicial Magistrate, Paramakudi, and quash the same.

For Petitioners : Mr.C.Vakeeswaran

For R1 : Mr.R.M.Anbunithi

Additional Public Prosecutor

For R2 : Mr.B.Fasil Basha



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ORDER

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This criminal original petition has been filed to quash the impugned Charge Sheet in C.C.No.139 of 2020 on the file of the learned Judicial Magistrate, Paramakudi.

2.The case of the prosecution is that the accused forged the documents with regard to the land property and sold the same to the third parties and thereby, cheated the defacto complainant. Hence, the second respondent lodged a complaint, based on which, a case in Cr.No.3 of 2014 registered for the offence under Sections 420, 465, 471 and 468 of IPC. Upon completion of investigation, the first respondent filed the final report, which was taken on file in C.C.No.139 of 2020 by the learned Judicial Magistrate, Paramakudi. 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. He further submitted that it is purely a civil dispute. The second respondent lodged the present complaint by giving criminal colour to the civil dispute and the first respondent without conducting proper



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



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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 C.C.No.139 of 2020 pending on the file of the learned Judicial Magistrate, Paramakudi. Accordingly, this petition, being devoid of merits, is dismissed. Consequently, connected miscellaneous petition is closed.

20.06.2024

NCC : Yes / No
Internet : Yes / No
Index : Yes / No
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To

- 1.The Judicial Magistrate,
Paramakudi.
- 2.The Inspector of Police,
Emaneswaram Police Station,
Emaneswaram,
Ramanathapuram District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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A.A.NAKKIRAN, J.

dss

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