

Crl.O.P.(MD)No.11587 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.07.2025

CORAM

THE HONOURABLE MR JUSTICE B.PUGALENDHI

Crl.O.P.(MD)No.11587 of 2025

and

Crl.M.P(MD) Nos.8794 and 8796 of 2025

Palaniammal

...Petitioner

-Vs-

1.The State of Tamil Nadu
Represented by the Inspector of Police,
DCB Branch,
Tirunelveli.
(Crime No.05/2011)

2.Arulthanthai.Amalraj

...Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS 2023, to call for the records pertaining to the Charge Sheet in C.C.No.1116 of 2023 on the file of the learned Judicial Magistrate No.I, Tirunelveli and quash the same as illegal sofaras the petitioner is concerned.

For Petitioner : Mr.K.Navaneetharaja



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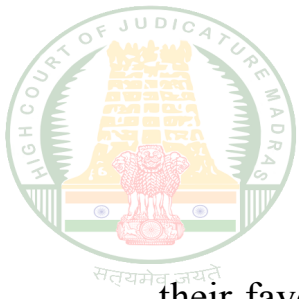
For R1

: Mr.A.S.Abulkalaam Azad
Government Advocate(crl.side)

ORDER

This criminal original petition has been filed to quash the charge sheet in C.C.No.1116 of 2023 on the file of the learned Judicial Magistrate No.I, Tirunelveli.

2.The case of the prosecution is that the second respondent owned the lands situated in Survey Nos.1274/A1, 1274/2, 1274/3 and 1274/4A/3A, with total extent of 1 Acre and 64 cents, at Phazhankottai Village and Survey Nos.16, 1629/9, 1630/A1 and 1629/3, with total extent of 10 Acres at Sevalkulam Village, under the registered documents dated 20.12.1993 and 10.04.1994. The second respondent constructed a prayer hall and also paid the property tax in respect of the above said lands. Subsequently, on 18.01.2005, he sold the said properties to one Mickel and at that juncture, he came to know that the accused persons have created fraudulent documents on 08.07.1994, in respect of the above said land in

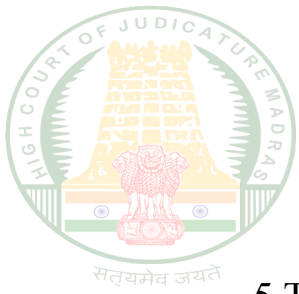


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their favour. Based on the said document, the first accused received a tax receipt in his favour. Therefore, the second respondent lodged a complaint, based on which a case in Crime No.5 of 2011 came to be registered. Upon completion of investigation, the first respondent has filed the final report, which was taken on file in C.C.No.1116 of 2023 by the learned Judicial Magistrate No.I, Tirunelveli. Challenging the same, the petitioner filed the present petition.

3.The learned counsel appearing for the petitioner submits that the allegations levelled in FIR are baseless and the first respondent has also conducted the investigation and filed the final report mechanically. Apart from this contention, the petitioners has raised several grounds in this petition. Accordingly, he prays to quash the impugned proceedings.

4.The learned Government Advocate(Crl.side) appearing for the first respondent submits that the grounds raised by the petitioner have to be appreciated only before the trial Court during the course of trial. Accordingly, he prays to dismiss the present petition.



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5.This Court considered the rival submissions made on either side and perused the materials available in the records.

6.As rightly pointed out by the learned Government Advocate(Crl.side), the grounds raised in the present petition have to be appreciated only during the course of trial. Therefore, this Court is not inclined to entertain this petition. Accordingly, this criminal original petition is dismissed with liberty to the petitioner to raise all these grounds before the trial Court. Consequently, connected miscellaneous petitions are closed.

11.07.2025

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

1.The Judicial Magistrate No.I, Tirunelveli.

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2. The Inspector of Police,
DCB Branch,
Tirunelveli.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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