



Crl.O.P(MD)No.19215 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.03.2025

CORAM

THE HONOURABLE MR.JUSTICE P. DHANABAL

**Crl.O.P(MD)No.19215 of 2024
and
Crl.M.P(MD)No.11858 of 2024**

C.Ramakrishnan

... Petitioner

Vs

**1. The State Rep By,
The Inspector of Police,
Surandai Police Station,
Tenkasi District.
Crime No.66/2020.**

2. T.R.Balu

... Respondents

PRAYER: Criminal Original petitions have been filed under Section 528 of BNSS to call for the entire records pertaining to the case in C.C. No.263 of 2024 pending on the file of the learned Judicial Magistrate, Alangulam, Tenkasi District and quash the same as against the petitioner.

For Petitioner : Mr.Anand R.

**For R1 : Mr.M.Vaikkam Karunanithi
Government Advocate (Crl.Side)**



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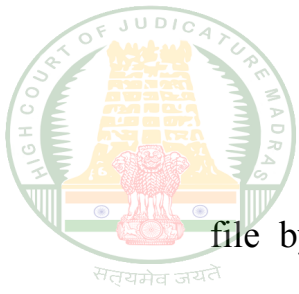


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ORDER

This criminal original petition has been filed seeking to quash the proceedings in C.C.No.263 of 2024, pending on the file of the learned Judicial Magistrate, Alangulam, Tenkasi District as against the petitioner.

2.The prosecution case is that the properties in S.No.635/2 to an extent of 2.1 acre and in S.F.No.637/1 to an extent of 82 cents at Surandai Pat-I Village belong to Government and the same were allotted to the Police Department. The fourth respondent was a Jamindar and has lands in and around Surandai village. While so, the accused Nos.1 to 3, claiming that they are the legal heirs of the Jamin, colluding with the fourth accused, created encumbrance over the properties and the registering authority also without any documents registered the document. Therefore, the second respondent lodged a complaint before the first respondent and based on the same, the case in Crime No.66 of 2020 was registered for the offence under Sections 465, 467, 468, 471 and 420 of IPC. Thereafter, the first respondent conducted investigation and filed final report against all the accused and the same was taken on



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file by the learned Judicial Magistrate, Alangulam in C.C.No.263 of 2024. Now, the ninth accused, who is the document writer of the above said documents, filed this petition to quash the charge sheet pending against him.

3.The learned Counsel for the petitioner would submit that based on the false complaint lodged by the second respondent, the first respondent registered the case in Crime No.66 of 2020 for the offences under Sections 465, 467, 468, 471 and 420 of IPC. As per the prosecution case, the properties in S.No.365/2 to an extent of 2.1 acres and in S.F.No.637/2 to an extent of 82 cents, Surandai Village, have been allocated to the Police Department through proceedings in Na.Ka.No.A4/118365/2003 and the 'A' Register also in the name of the Police Department. While so, the fourth accused claiming that he is the legal heir of Jamin, colluding with the accused Nos. 1 to 3, conspired together and with the help of other accused, they forged the power of attorney deed and thereafter, the Village Administrative Officer has forged the Adangal document and the same was handed over to the petitioner/document writer and thereafter, the sale deed in Document No. 2935 of 2019 was registered on 31.12.2019, for which, the accused Nos.



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11 and 12 stood as witnesses in the said sale deed. Therefore, the present FIR was registered. In fact the petitioner is a licensed document writer and he acted pursuant to the instructions of the executors of the document and prepared the sale deed. The petitioner, after perusing the documents produced by the parties, prepared the documents and presented for registration. Apart from that there is no any conspiracy between the petitioner and the other accused. Already the general power of attorney deed was registered in the year 2019 and thereafter, he perused the other documents and prepared the sale deed. This petitioner is not a maker of the document. Therefore, the offences charged in this case are not made out as against the petitioner. In the mean time, the fourth accused also filed a suit in O.S.No.461 of 2021 before the Principal Sub Court, Tenkasi and the same is also pending. Merely because the petitioner prepared the document and presented for registration, he cannot be roped into the criminal case. The investigation agency/first respondent without conducting proper investigation, filed the final report. The trial Court also without perusing the *prima facie* material taken cognizance of the final report. Therefore, the pending proceedings in C.C.No.263 of 2024 are liable to be quashed.



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4.The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that originally the subject properties belong to Government and the same were allotted to the Police Department in the year 2004 itself and the revenue records also mutated in the name of the Police Department. While so, all the accused conspired together and created forged documents and this petitioner without perusing the records, on conspiracy prepared the sale deed and presented for registration. The registering authority also registered the document. Therefore, there are *prima facie* material available as against this petitioner and the same is matter for trial and the petitioner has to face the trial. Therefore, at this stage, the petition is liable to be dismissed.

5.This Court heard both sides and perused the records.

6.In this case, the petitioner has been arrayed as ninth accused and he is the licensed document writer. The allegations as against the petitioner is that without perusing the documents, he prepared the document and presented for registration.



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7. According to the petitioner, he only prepared the document based on the documents produced by the parties and already a power deed was registered in the year 2019 and based on the same, he prepared the sale deed in the year 2019 and also the parties produced the other revenue records. Therefore, he prepared the documents only based on records. There is no material to constitute the offences under Sections 465, 467, 468, 471, 420 and 120B of IPC against the petitioner. Hence the pending proceedings in C.C.No.263 of 2024 are liable to be quashed.

8. The main allegation as against the petitioner is that without any documents the petitioner prepared the documents and presented for registration. Though the duty of the petitioner is to verify all the documents before preparing a document, in this case already power deed was registered in the year 2019 and the Village Administrative Officer also issued Adangal certificate and other revenue records also produced. Even assuming that there is some negligence on the part of the petitioner, it cannot be a base for criminal act. As per records, he verified the earlier power deed and also the other revenue documents and then presented the document for registration, thereby, it cannot come under the criminal liability. Therefore, the petitioner, merely because he is a document



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writer, cannot be roped into a criminal case without any materials.

Therefore, as discussed supra, this Court is of the opinion that the pending proceedings in C.C.No.263 of 2024 are liable to be quashed.

9. Accordingly, the proceedings pending in C.C.No.263 of 2024 are quashed as against this petitioner and this criminal original petition is allowed. Consequently, connected miscellaneous petition is closed.

13.03.2025

Internet : Yes
Index : Yes/No
NCC : Yes/No
LR

To

1. The Judicial Magistrate,
Alangulam, Tenkasi District.

2. The State Rep By,
The Inspector of Police,
Surandai Police Station,
Tenkasi District.

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



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P. DHANABAL, J.

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