

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 23.06.2017****CORAM:****THE HONOURABLE MR. JUSTICE P.N. PRAKASH****CRL.O.P. (MD) No. 7793 of 2017****and****CRL.M.P (MD) No. 5323 of 2017**

1. George
2. Yesudassan
3. Alloysious Selvaraj
4. Issac
5. Joseph Arputham
6. Justus
7. Lilly Grace
8. John Justin Raj (Master) : Petitioners/Accused 1 to 8

-Vs-

1. The State of Tamil Nadu through
The Inspector of Police,
District Crime Branch,
Kanyakumari at Nagercoil,
Kanyakumari District.
(In Crime No.5 of 2017)

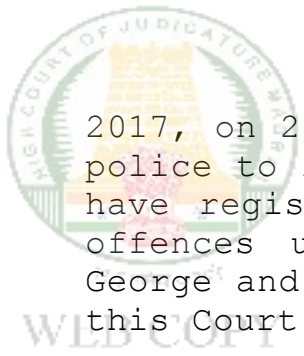
2. Charles : Respondents/Complainant and
Defacto Complainant

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code to call for the records in D.C.B. Crime NO.5 of 2017 on the file of the District Crime Branch, Kanyakumari at Nagercoil and quash the same.

For Petitioner : Mr.K.N.Thampi

For Respondents : Mr.K.Anbarasan
Government Advocate (Crl.Side)
for R.1
: Mr.D.Anbarasu
for R.2

O R D E R



2017, on 20.02.2017 under Section 156(3) Cr.P.C. to the respondent police to register an F.I.R., based on which the respondent police have registered a case in Cr.No.5 of 2017 on 29.04.2017 for the offences under Sections 468, 471, 420 and 466 I.P.C., against George and seven others, challenging which, the accused are before this Court.

2. Heard the learned Counsel appearing for the petitioners, the learned Government Advocate (Crl.Side) appearing for the first respondent and the learned Counsel appearing for the defacto complainant.

3. On a reading of the F.I.R., there are sufficient materials for the investigation to go on and the same cannot be quashed in accordance with the law laid down by the Honourable Supreme Court in **State of Haryana and others Vs. Ch.Bhajan Lal and Others** reported in **1992 AIR 604**.

4. The learned Counsel appearing for the petitioners pointed out to this Court that even according to the defacto complainant, George (A.1) who is the Catholic Priest was not agreeable to the idea of filing of the alleged fabricated documents in the Court and was dissuading others from doing it. Therefore, he submitted that the case against Accused No.1 should be quashed.

5. In the opinion of this Court, such piece meal quashment of F.I.R. cannot be done at the threshold. Hence, this Court directs the Deputy Superintendent of Police, District Crime Branch, Kanyakumari District to monitor the investigation in DCB Cr.No.5 of 2017 and if during the course of investigation, it appears that Accused No.1 was not privy to the offence, it is needless to state that the further prosecution against him should be dropped.

6. With the above directions, this Criminal Original Petition is closed. Consequently, the connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Inspector of Police,
District Crime Branch,
Kanyakumari at Nagercoil,
Kanyakumari District.

<https://hcservices.ecourts.gov.in/hcservices/>

2. The Deputy Superintendent of Police,
District Crime Branch, Kanyakumari District.



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

+1cc to Mr.K.N.Thampi, Advocate SR.No.61806
+1cc to Mr.D.Anbarasu, Advocate Sr.No.61802

SSL

VB/JC/SAR1/12.07.2017/3P/6C

CRL.O.P. (MD) No.7793 of 2017

23.06.2017