



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

**DATED: 15.04.2019**

CORAM

**THE HON'BLE MR. JUSTICE P.N. PRAKASH**  
**Cr1.O.P. (MD) No.6975 of 2014**  
**and M.P.No.1 of 2014**

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1.T.Kumararaj

2.T.Asokan

... Petitioners

-vs-

1.The State rep. By  
the Inspector of Police,  
Thirukornam Police Station  
Pudukottai.

2.S.Suyamprakasam

... Respondents

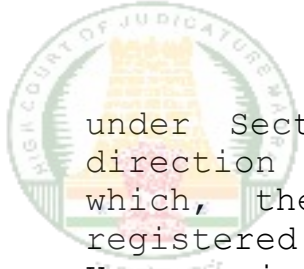
**Prayer:** Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the records relating to the FIR registered in Crime No.36 of 2014 on the file of the respondent police and quash the same as illegal.

For Petitioners :Mr.M.P.Senthil

For Respondents : Mr.M.Chandrasekaran for R1  
Additional Public Prosecutor  
Mr.Suyamprakasam  
party-in-person (R2)

**O R D E R**

Kumararaj (A2) and Ashokan (A3) applied for a loan with Union Bank of India, for which, they submitted certain title documents as collateral security. The title documents were sent to Mr.Suyamprakasam, Panel Lawyer for Union Bank of India for scrutiny. Mr.Suyamprakasam scrutinised the documents and gave an opinion that the loan can be sanctioned, of course, subject to certain conditions. Kumararaj (A-2) and Ashokan (A-3) removed the opinion and substituted it with a forged opinion as if there is no impediment for granting the loan. Apart from that, Kumararaj (A-2) and Ashokan (A-3) also submitted certain forged documents to Union Bank of India. On coming to know of it, Mr.Suyamprakasam filed a private complaint before the Judicial Magistrate, Pudukottai against AGK Packers (A-1), Kumararaj (A-2) and Ashokan (A3). However, the private complaint was treated as a petition



under Section 156(3) Cr.P.C. by the learned Magistrate and a direction was given to the police to register an FIR, based on which, the Inspector of Police, Thirukokarnam Police Station registered a case in Crime No.36/2014 against AGK Packers (A-1), Kumararaj (A-2) and Ashokan (A-3). However, on the complaint lodged by Union Bank of India, the Central Bureau of Investigation registered a regular case in R.C.No.10/e/11 against AGK Packers (A-1), Kumararaj (A-2) and Ashokan (A-3) and certain others and filed chargesheet in C.C.No.3453/2012 before the Additional Chief Metropolitan Magistrate, Egmore, Chennai.

2. In Paragraph Nos.8 and 12 of the chargesheet, it is stated as follows:

"8.On the basis of application and documents, Shri.Vinod, Sr.Manager and Shri.sambasiva Rao, Chief Manager of the Branch recommended the requested limit and sent it to Regional Office of the bank. They also held presanction visit to the factory premises of A-1 firm at Pudukottai and verified the housing property of A-3. Valuation of the property was done by M/s.KBS Associate. The legal opinion on the collateral properties was taken from Shri.Suyam Parakasam their Panel Advocate. He gave in his opinion a suggestion to verify from SIPCOT. As it was against the interest of the accused persons, A-2 and A-4 forged the legal opinion with the help of A-4 and A-5. The documents is found available in the hard disk seized during the investigation. The loan was processed at Regional Office of the bank. Based on the documentation and loan process, Shr.Sikri, the then DGM sanctioned the Credit limit of Rs.160 crores on 31.08.2009.

....

12.The aforesaid facts and circumstances disclose, prima facie commission of offences punishable u/s.120-B r/w 420, 467, 468, 471, 472 & 201 IPC and substantive offences thereof, committed by the accused A-1 M/s.AGK Packers represented by its Managing Partner A-2 T.Kumararaj, A-3 T.Asokan, A-4 Ramachandran and A-5 Anandan. Substantively against A-1 M/s.AGK Packers represented by A-2 T.Kumararaj, A-3 T.Asokan u/s 420 and 471 IPC, A-2 Shri.T,Kumararaj u/s 420 and 467 (for forging lease documents of SIPCOT by signing his own signature), 471 & 472 (making or processing counterfeit seal etc with intent to commit forgery punishable u/s 467) and 201 IPC for destruction of the legal opinion received from Bank Panel Lawyer Shri.Suyamprakasam. A-3 T.Asokan u/s 420, 471 and 472 IPC (he has signed the document for deposit of Title deed knowing fully well that the documents submitted by



him are bogus and the genuine documents were already deposited with to City Union Bank). A-4 Shri.Ramachandran u/s 420, 467 (forging the valuable documents such as computer statement of account other computer letters, NOC, Panel Lawyer's opinion, EC, invoice, Purchase orders etc.) 468, 471 of IPC. A-5 Anandan u/w 420, 467 (All the forgeries in the property documents purported to have been signed in the SRO are in the handwriting of this accused) 468, 471 of IPC. List of the witness and List of the documents relied upon in this case are enclosed. Additional list of witnesses and documents, if any, will be filed as and when required during trial. The accused A-2, A-3, A-4 and A-5 were arrested and now on bail."

In such circumstances, the petitioners herein are before this Court for quashing the FIR in Crime No.36/2014.

3. Heard Mr.M.P.Senthil, learned counsel for the petitioners/accused, Mr.Suyamprakasam, party-in-person and the learned Additional Public Prosecutor for the respondent State.

4. Mr.Suyamprakasam fairly stated that he gave evidence in C.C.No.3453/2012 before the Additional Chief Metropolitan Magistrate, Egmore, Chennai, in respect of the prosecution, wherein, the accused removed the original legal opinion and substituted it with their own opinion favorable to them. It is also brought to the notice of this Court that Kumararaj (A2) and Ashokan (A3) have been convicted and sentenced on 30.11.2017 in C.C.No.3453/2012.

5. In such view of the matter, the prosecution of the petitioners for the same transaction for the second time in Crime No.36/2014 will be an abuse of process of law and therefore, this petition is allowed and the FIR is quashed as against all the accused. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CO)

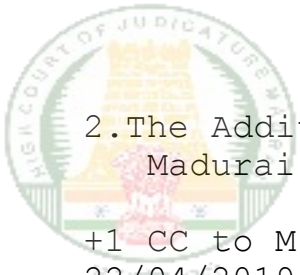
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Sub Assistant Registrar (CS)

To:

1.The Inspector of Police,

<https://hcservices.ecourts.gov.in/> Police Station  
Pudukottai.



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

+1 CC to M/s.M.P.SENTHIL, Advocate ( SR-61454[F] dated  
22/04/2019 )

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