



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.10.2019

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl OP(MD)No.5251 of 2015

and

MP(MD)No.1 of 2015 & Crl MP(MD) No.4208 of 2017

M.Durairaj

... Petitioner / Accused No.5

Vs.

1.The State, rep.by
The Inspector of Police,
AVS, Trichy City,
Central Crime Branch, Trichy.
(Cr.No.23/2017)

... Respondent / Complainant

2.S.Balachandran

... Respondent / Defacto complainant

Prayer : Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to quash the charge sheet on the file of the learned Judicial Magistrate No.V, Trichy in C.C No.270 of 2013, dated 28.12.2011.

For Petitioner : Mr.S.Balaji

For Respondents : Mr.A.Robinson,
Government Advocate (crl.side) for R1

Mr.C.Nandagopal for R2

ORDER

The petitioner is figuring as the fifth accused in C.C No.270 of 2013 on the file of the Judicial Magistrate No.V, Trichy. The case of the prosecution is in brief as under :

A1 Siva @ Sivakumar is running a travelling agency at Trichy. A2 Ilambarithi is his business associate. While so, A3 Reena @ Taslima Mariyam approached A1 and A2 for obtaining passport. In order to facilitate A3, several forged documents and rubber stamps were made ready. Based on the same, an application was submitted to the Regional Passport Officer, Trichy. When verification exercise was

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

conducted, the acts of forgery and cheating committed by



the accused came to light. Therefore, the Regional Passport Officer lodged information with Central Crime Branch, Trichy leading to registration of Crime No.23 of 2007 for the offences under Sections 463, 464, 465, 471, 420 and 120 B IPC. Investigation was undertaken and final report came to be filed and cognisance of the offences was taken and the case was taken on file in C.C No.270 of 2013.

To quash the same, this O.P has been filed.

2.Heard the learned counsel on either side.

3.The petitioner was no doubt an employee in the passport office during the relevant time. I went through the statements recorded under Section 161 of Cr.Pc. All that is alleged against the petitioner is that he accompanied the third accused to Tatkal counter and called upon the concerned staff to expedite the process of A3's application. Except this, there is no other material against the petitioner in any of the statements recorded under Section 161 of Cr.PC. In fact, the house of the petitioner was also raided. But then, nothing incriminating was found out. The materials relied on the by prosecution are wholly insufficient to sustain the charge of conspiracy against the petitioner herein.

3.Therefore, continuation of the impugned prosecution as against the petitioner is an abuse of legal process. The impugned prosecution stands quashed as far as the petitioner/A5 is concerned. Of course, it will go against the other accused. This criminal original petition is allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

Skm

To

The Inspector of Police, AVS, Trichy City,
Central Crime Branch, Trichy.

+1 CC to M/s.S.BALAJI, Advocate (SR-92155[F] dated 16/10/2019)

+1 CC to M/s.C.NANDAGOPAL, Advocate (SR-92622[F] dated 17/10/2019)

Crl OP(MD)No.5251 of 2015

and

MP(MD)No.1 of 2015 &

Crl MP(MD) No.4208 of 2017

15.10.2019