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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.07.2021

CORAM :

THE HONOURABLE MRS.JUSTICE V. BHAVANI SUBBAROYAN

Crl.O.P.No.6183 of 2017

and

Crl.M.P.No.4606 of 2017

Soori @ Soorianarayananmoorthy

... Petitioner

Versus

1. The State, Represented by
The Inspector of Police,
Orlampet Police Station,
Pudhcherri,
(Crime No. 595 of 2011)

2. A. Antony Samy

... Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records in Crime No. 595 of 2011 on the file of the first respondent herein and quash the same.

For petitioner : Mr.I.Paul Noble Deva Kumar
For K.Sathiya

For R1 : Mr.Bharath Chakaravarthy
Public Prosecutor,
Pondicherry.

ORDER

This petition has been filed to quash the FIR in Crime No.595 of 2011 registered against the petitioner for offences under sections 409, 468, 471 and 420 of IPC.

2. Heard the learned counsel for the petitioner and the learned Counsel for Government of Tamil Nadu (Criminal Side) appearing for the 1st respondent.

3. Learned counsel appearing for the petitioner submitted that the second respondent/de-facto complainant had given a complaint against this petitioner before the police in respect of which, a case in Orlampet Police Station, Pudhucherry, in Crime No.595 of 2011 was registered on 22.12.2011 for offences under Sections 409, 468, 471, and 420 IPC.



4. The learned Counsel for Government of Tamil Nadu (Criminal Side) appearing for the 1st respondent submitted that charge sheet has been filed in C.C.No.11 of 2016 pending before the learned Judicial Magistrate No.II, Pondicherry.

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5. This Court perused the FIR in Crime No.595 of 2011 relates to an incident that took place on 22.12.2011, the police registered a case for offences under Sections 409, 468, 471, and 420 IPC. Whereas, in this complaint, the de-facto complainant alleged that the accused had forged the fake certificate and cheated the de-facto complainant to the tune of Rs.56,50,000/-.

6. That apart, this Court cannot go into disputed question of facts in a petition under Section 482 Cr.P.C. The Hon'ble Supreme Court in State of Haryana v. Bhajan Lal reported in 1992 Supp [1] SCC 335 has laid down the guidelines for quashing an FIR. The complaint in Crime No.595 of 2011 discloses the commission of cognizable offence and therefore, this Court cannot quash the FIR, in view of the law laid down by the Hon'ble Supreme Court in the aforesaid judgment. Hence, this petition is dismissed, with liberty to the petitioner, to workout his remedy in the manner known to law. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

msm

To

1.The Judicial Magistrate No.II,
Pondicherry.

2.The Inspector of Police,
Orlampet Police Station,
Pudhcherri,
(Crime No. 595 of 2011)

3. The Public Prosecutor,
Pondicherry.

Cr1.O.P.No.6183 of 2017

PMK (CO)
GN(09/08/2021)