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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 25.11.2021

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Cr1.O.P.No.24273 of 2017

in

Cr1.M.P.Nos.14025 and 14026 of 2017

S.Rajaraman

....Petitioner/Accused

-Vs-

1. The State represented by
The Inspector of Police
Central Crime Branch
Forgery Wing, Team V
Vepery, Chennai 07

2. Chidambaram

...Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the records in C.C.No. 2243 of 2017 on the file of IX Metropolitan Magistrate, Saidapet, Chennai and quash the same.

For Petitioner ... Mr.S.Senthil Murugan

For Respondents ... Mr.S.Vinoth Kumar
Government Advocate for R1

... Mr.John Sathyan
for Mr.R.Sagadevan for R2

ORDER

This petition has been filed to quash the case pending in C.C.No.2243 of 2017 on the file of IX Metropolitan Magistrate, Saidapet, Chennai for the alleged offences under Sections 465, 468, 471, 419, 420 read with Section 120(b) IPC.

2. Heard the learned counsel for the petitioner.

3. The learned counsel for petitioner submitted that very charge against the accused is that he impersonated one Mr.Vivekanandhan and prepared a Power of Attorney. It is his



contention that in a similar matter Vivekanandhan himself has lodged a complaint and the same was registered in Crime No.1966 of 2015 on the file of Sastri Nagar Police Station. Therefore, it is contended by the learned counsel for the petitioner that this charge sheet cannot be maintained as final report has already been filed in C.C.No.1114 of 2016 in respect of the case in Crime No.1966 of 2015. When the final report in connected case was sought to be quashed, this Court passed the following directions vide its order dated 02.09.2016 in Crl.O.P.No.19711 of 2016:

'9. In view of the aforestated factual matrix, to meet the ends of justice, this Court issues the following directions:

- The trial in C.C.No.1114 of 2016 before the IX Metropolitan Magistrate Court, Saidapet, Chennai is stayed until the Inspector of Police, Central Crime Branch, completes the investigation in Crime No.447 of 2015 and either files a closure report or final report before the IX Metropolitan Magistrate, Saidapet, Chennai.
- The newly impleaded second respondent shall complete the investigation in Crime No.447 of 2015 within six months from the date of receipt of a copy of this order, irrespective of territorial jurisdiction and he shall file final report or closure report, as the case may be, before the IX Metropolitan Magistrate Court, Saidapet, Chennai.
- On such filing of either closure report or final report by the newly impleaded second respondent, the stay granted by this Court in C.C.N.1114 of 2016, as aforestated, shall stand vacated.
- It is open to the IX Metropolitan Magistrate Court, Saidapet, Chennai, to consider both the final reports and proceed in accordance with law.'

4. As this Court has directed IX Metropolitan Magistrate to consider both the final reports and proceed in accordance with law, this court is of the view that the question of quashing the final report sought for in this petition does not arise. It is to be noted that though the allegations appears to be same in both the final report with regard to forging Power of Attorney by impersonation, the trial Court is directed to consider both the final reports and proceed against the accused after framing appropriate charges based on the materials collected in both the cases and process against the accused in the same trial.



With the above observation, instant Criminal Original Petition is dismissed. Consequently, the connected miscellaneous petitions are closed.

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Sd/-
Assistant Registrar (CS-II)

//True copy//

Sub Assistant Registrar

gpa/gba

To

1. IX Metropolitan Magistrate
Saidapet, Chennai

2. The Inspector of Police
Central Crime Branch
Forgery Wing, Team V
Vepery, Chennai 07

3. The Public Prosecutor
Madras High Court
Chennai.

+2ccs to Mr.R.Sagadevan, Advocate SR.No.61222

+1cc to Mr.R.Vivekananthan, Advocate SR.No.61831

Crl.O.P.No.24273 of 2017
in
Crl.M.P.Nos.14025 and 14026 of 2017

AJS (CO)
GMY (07/12/2021)