



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2021

CORAM :

THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

CRL.O.P.NO. 27881 OF 2017
& CRL.M.P.NOS.15870 & 15871 OF 2017

N.Venkatesan

...Petitioner

Vs.

The Deputy Registrar (Writs),
High Court of Madras,
Madras.

...Respondent

PRAYER : Criminal Original petition has been filed under Section 482 of the Criminal Procedure Code, to call for the records pertaining in C.C.No.3712 of 2014 dated 10.11.2017 on the file of VII Metropolitan Magistrate Court, George Town, Chennai and quash the same.

For Petitioner	:	Mr.C.Vediappan for M/s.C.S.Associates
For Respondent	:	Mr.P.Kannan Kumar

O R D E R

This Criminal Original Petition is filed to quash the private complaint filed by the respondent before the VII Metropolitan Magistrate Court, Chennai.

2.The complaint in C.C.No.3712 of 2014 was filed on the strength of the order passed by this Court in W.P.No.21133 of 2014 on 24.09.2014, wherein, in paragraph no.7, this Court has observed as follows;

"7.....As the petitioner has committed fraud on the file of fabricated documents and interfere with the Administration of Justice, I direct the Registrar General to initiate appropriate proceedings as per the criminal procedure against the petitioner for



interfering with the Administration of Justice by producing fabricated document."

3. When the matter is taken for hearing, the learned counsel for the petitioner submitted that he has filed Rev. Appln. No. 315 of 2014 in W.P. No. 21133 of 2014, wherein this Court has passed an order on 21.12.2018 and the relevant paragraphs are extracted hereunder;

"7. Considering all those materials, this Court is of the view that the learned Judge has only gone through the copy of the application filed in the typed set of papers, and at the time of disposing the Writ Petition, the original records were not produced before the learned Judge. Now, the records were produced, and on perusal of the records, it could be seen that the application seeking compassionate appointment was made only on 16.08.2000 as claimed by the petitioner.

8. In the above circumstances, the order has been passed in the Writ Petition without considering the relevant records, and it is an error apparent on the face of the records. Hence, the order is liable to be reviewed. As the petitioner has filed the application on 16.08.2000 as claimed by him, there is no question of any forgery or tampering of the records. Considering all those materials, I find that there is no tampering of records as held by the court dated 24.09.2014 in the Writ Petition. The petitioner has not committed any fraud and fabricated the documents, thereby interfering with the administration of justice of this Court.

9. In the said circumstances, the present Review Application is partly allowed setting aside the order in respect of para 7 of the order passed by the learned Judge dated 24.09.2014 in the Writ Petition, and in respect of other findings of the learned Judge stands as such.

4. A perusal of the above order clearly shows that paragraph no. 7 of the order passed in W.P. No. 21133 of 2014 on 24.09.2014 was set aside. In paragraph no. 7 of the said order, this Court has specifically observed that the petitioner has committed fraud by filing fabricated documents and thereby interfered with



the Administration of Justice and therefore, it directed the Registrars General to initiate appropriate proceedings as per the criminal procedure code against the petitioner. That was the route cause for filing C.C.No.3712 of 2014 before the VII Metropolitan Magistrate Court, George Town, Chennai . However, this Court has held in Rev.Appln.No.315 of 2014 in W.P.No.21133 of 2014 that the order dated 24.09.2014 has been passed without considering the relevant records and it is an error apparent on the face of the records and therefore, set aside paragraph no.7 of the order dated 24.09.2014 in W.P.No.21133 of 2014. It further held that the petitioner has not committed any fraud and fabricated the documents, thereby interfering with the administration of justice of this Court.

5.Hence, this Court is of the view that nothing survives in the complaint preferred by the respondent in C.C.No.3712 of 2014. Hence, this Court is inclined to quash C.C.No.3712 of 2014 pending before the VII Metropolitan Magistrate Court, George Town, Chennai and accordingly quashed.

6.In the result, this Criminal Original Petition is allowed. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-IV)

// True Copy //

Sub Assistant Registrar

Tsg

To

1.The VII Metropolitan Magistrate Court,
George Town, Chennai.

2.The Deputy Registrar (Writs),
High Court of Madras, Madras.

+1cc to M/s.C.S.Associates, Advocate SR.No.54721

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PCH(CO)
RVM(10/11/2021)