

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CRL.O.P.No.27918 of 2018
and Crl.M.P.No.16177 of 2018

M.Selvam ...Petitioner/ Accused No.5

Versus

1.The State rep.by
The Inspector of Police,
Crime Branch C.I.D.,
Kanchipuram, Kanchipuram District,
Tamil Nadu. .. 1st Respondent/ Complainant

2.Umapathy ...2nd Respondent/ Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for records pertains to the impugned proceeding in C.C.No.198 of 2013, pending on the file of Judicial Magistrate No.I, Chengalpattu and quash the same insofar as the petitioner is concerned.

For Petitioner : Mr.P.R.Thiruneelakandan

For RR1 : Mr.C.E.Pratp
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed to call for records pertains to the impugned proceeding in C.C.No.198 of 2013, pending on the file of Judicial Magistrate No.I, Chengalpattu and quash the same insofar as the petitioner is concerned.

2. The case of the prosecution is that A1 and A2 with criminal conspiracy to cheat the defacto complainant has falsely created forged documents, in which the petitioner herein / A5 has signed as witness in the name of fictitious persons namely, Mani and K.Prakash.

3. The learned counsel appearing for the petitioner submitted that the charge against the petitioner is that he has signed the witness signature in the Power of Attorney deed. During the course of investigation, the Investigation Officer has procured the sample writing and sample signature for

comparison with the witness signature found in the forged power of attorney and the result was in favour of the petitioner. Earlier, Accused 1 and 6 have approached this Court by filing Crl.O.P.Nos.3143/2007 and 26556 of 2017, to quash the case against them and during the pendency of the said petition, the matter was ended in compromise with the defacto complainant and thereby the proceedings of the criminal case in C.C.No.198 of 2017, were quashed in respect of A1 and A6. Under such circumstances, keeping the impugned proceeding against the petitioner is an abuse of process of law and hence he prays for extension of same benefit to the petitioner, as granted by this Court to the co-accused, in quashing the criminal proceedings against them.

4. The learned Government Advocate (Crl.Side) appearing for the 1st respondent did not dispute the submissions made by the learned counsel for the petitioner.

5. This Court has carefully considered the submissions and also perused the materials available on record. Though the notice was served to the 2nd respondent, no one has appeared on behalf of her. Considering the pendency of the case, this Court is inclined to decide the matter on available records.

6. A perusal of the order made in Crl.O.P.Nos.3143/2007 and 26556 of 2017, clearly reveals that since the matter was ended in compromise between the defacto complainant and A1 and A6, already the criminal proceedings were quashed in respect of co-accused A1 and A6, who is alleged to have created a fake documents and the petitioner herein is only alleged to be the witness of the said document.

7. In view of the fact that already the criminal case against A1 and A6 have been quashed, this Court is inclined to extend the said benefit to the petitioner herein also, who is only alleged to have signed the said fake document as witness.

8. Accordingly, this Criminal Original Petition is allowed and the criminal proceedings in C.C.No.198 of 2013, pending on the file of Judicial Magistrate No.I, Chengalpattu, is quashed. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1.The Judicial Magistrate No.1,
Chengalpattu.
- 2.The Inspector of Police,
Crime Branch C.I.D.,
Kanchipuram, Kanchipuram District,
Tamil Nadu.
- 3.The Public Prosecutor,
Madras High Court.

CRL.O.P.No.27918 of 2018

VBM(CO)
SB(23/11/2021)