



WEB COPY

CrI.O.P.(MD)No.14816 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **01.10.2021**

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGO VAN**

CrI.O.P. (MD) No.14816 of 2021

and

CrI.M.P. (MD) No.7880 of 2021

1.Syed Mohammed Hussain @ Syed Mohamed Hussain

2.Mohammed Ali Jinnah @ Mohamed Ali Jinna

3.Thippu Sulthan

4.Mohammed Ameen @ Ameen

5.Mohammed Mubarak @ Mohamed Mubarak

6.Abdul Kader @ Mohaideen Abdhul Kader

7.Bashir Maideen

8.Ahamed Navavi

... Petitioners

Vs.

1.State Rep. by
The Inspector of Police,
Medical College Police Station,
Thirunelveli.
(In Crime No.277 of 2020)

2.Murugan

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records relating to the FIR in Crime No.277 of 2020 pending on the file of respondent police and quash the same as illegal.

For Petitioners

: Mr.R.Gandhi

For R1

: Mr.RMS.Sethuraman

Additional Public Prosecutor



ORDER

This petition is filed seeking quashment of Crime No.277 of 2020 on the file of the 1st respondent.

2.The case has been registered for the offences punishable under Sections 465, 468, 471, 473, 188 and 269 of IPC and Section 3 of Epidemic Deceased Act, 1897 on 05.06.2020, based upon the complaint given by the 2nd respondent herein stating that this petitioners by forging the documents obtained E-pass for travel.

3.The learned Additional Public Prosecutor appearing for the 1st respondent would submit that the petitioners along with others forged the death certificate of a person and based upon that, E-pass has been obtained and undertook the travel.

4.The learned counsel appearing for the petitioners would submit that nowhere in the First Information Report, any overt act has been attributed against this petitioners and the allegation has been made only against the accused 1 to 3. The petitioners are noway involved in the aforesaid crime.

5.The involvement or noninvolvement of the petitioners in the aforesaid crime can be found only during the course of investigation. The fact that no overt act has been mentioned in the First Information Report cannot be taken into account at this stage. It is not a case of assault or injury, wherein, only the specific overt act can be expected to be stated in the First Information Report.

6.In the case of forging the documents, the question of stating specific overt act against each and every persons is not possible. On that ground, the contention that has been raised by the learned counsel for the petitioners is not acceptable. After completion of the investigation, if the petitioners are aggrieved by the contents of the final report, they can workout their remedy before the appropriate Court through appropriate proceedings. I find no merit in this matter.

7.This petition deserves to be dismissed. Accordingly, is stands dismissed. Consequently, connected miscellaneous petition is closed.

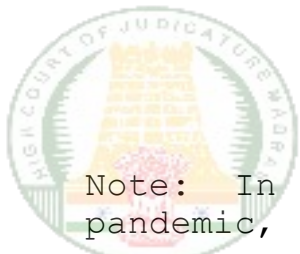
Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Inspector of Police,
Medical College Police Station,
Thirunelveli.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. (MD)No.14816 of 2021
01.10.2021

RK (18/10/2021) 3P 3C