



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2022

CORAM

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.8751 of 2022

and

Crl.M.P.No.5092 of 2022

1.B.Sathyaseelan,
S/o.Bakthavachalam

2.Kandababu,
S/o.Hemachandran

...Petitioners/Accused 6 & 7

Vs

1.The State represented by,
The Inspector of Police,
The Central Crime Branch,
Chennai Team II,
E.V.K.Sampath Salai,
Veppery, Chennai - 600 007.
(Crime No.128 of 2018)

..Respondent/Complainant

2.Sushila Sethuraman,
W/o.K.Sethuraman

...Respondents/Defacto Complainant

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., pleased to call for records and quash the FIR in Crime No.128 of 2018 pending investigation on the file of Inspector of Police, CCB, Chennai Team II, so for the Accused same A6 and A7.

For Petitioners: Mr.C.D.Johnson

For Respondents:

For R1

: Mr.A.Gokulakrishnan

Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed, to call for records and quash the FIR in Crime No.128 of 2018 pending investigation on the file of Inspector of Police, CCB, Chennai Team II, so for the Accused same A6 and A7.



2. Mr.C.D.Johnson, learned counsel appearing for the petitioners would submit that this is a second application for quashing the FIR in Crime No.128 of 2018 pending investigation on the file of Inspector of Police, CCB, Chennai Team II. He would further submit that earlier the petitioners had approached this Court in CrI.O.P.No.21888 of 2018 and this Court by an order dated 19.09.2018, had dismissed the application.

3. The learned counsel for the petitioners would further submit that the petitioners herein are arrayed as A-6 and A-7. He would further submit that they are advocates and they have drafted a power of attorney based on the instructions given by the other accused, other than that they have not committed any offence.

4. He would further submit that on a reading of the complaint, the second respondent/defacto complainant has alleged that she had not executed the Power of Attorney document dated 18.12.2017 in favour of Justine John (A1). In fact, she has stated that she does not know him at all. Based on the names figuring in the bogus Power of Attorney, she has assigned the role to each of the accused. As regards accused Nos.5, 6 and 7, she has stated that the 5th accused name figures, having drafted the document and that, he has not even given his enrolment number; along with the name of the 5th Accused, the names of 6th and 7th accused also figures.

5. He would further submit that earlier the petitioners had approached this Court in CrI.O.P.No.21507 of 2018 and this Court finding that the case was at premature stage, and had dismissed the application, however, this Court had directed the respondent police to investigate the case and if during investigation, it comes to light that the accused had acted only within the professional ambit and that, they had not conspired with the other accused for creating bogus document, had directed the respondent police that further action shall be dropped against the petitioners. However, despite the petition being dismissed on 07.09.2018, there is no progress in the investigation for the past four years and thereby he would seek to quash the proceedings.

6. The learned Additional Public Prosecutor appearing for the first respondent would submit that the investigation is still pending and they are yet to get the opinion from the Forensic Department and once the report is obtained, the final report will be filed. However, he would submit that the role of



the petitioners as professionals would be taken into consideration by the first respondent at the time of filing final report. He would further submit that the investigation will be completed and the final report will be filed within a period of four months.

7. Recording the same, this Criminal Original Petition is closed by directing the first respondent to complete the investigation and file a final report, as expeditiously as possible, preferably, within a period of four months from the date of receipt of a copy of this order. Consequently, connected Criminal Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

// True Copy //

Sub Assistant Registrar

rgm/arb
To

1.The Inspector of Police,
The Central Crime Branch,
Chennai Team II,
E.V.K.Sampath Salai,
Veppery, Chennai - 600 007.

2.The Public Prosecutor,
High Court of Madras.

CrI.O.P.No.8751 of 2022
and CrI.M.P.No.5092 of 2022

VGII(CO)
SP(10/05/2022)