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Crl.O.P.No.15338 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.07.2022

CORAM:

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

Crl.O.P.No.15338 of 2022

MP.No.8609 of 2022

V. Bharath

... Petitioner

Vs

1. State rep.by
The Inspector of Police,
R-1, Mambalam Police Station,
Chennai.

2. Renuka Ganesh

... Respondents

Prayer: Criminal Original petition filed under Section 482 of the Code of Criminal Procedure to call for the records relating to the FIR in Crime No.80 of 2022 on the file of the 1st respondent and quash the same.

For Petitioner : Mr.Prakash Goklaney

For Respondent : Mr.A.Gokulakrishnan for R1

ORDER

This Criminal Original Petition has been filed to call for the records



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relating to the FIR in Crime No.80 of 2022 for offence under Sections 420, 468 & 470 of IPC on the file of the 1st respondent and quash the same.

2. The crux of the allegation in the FIR is that the petitioner being a tenant appears to have forged the signature of the landlord in a document and presenting the same for getting Postal Identity Card.

3. The learned senior counsel appearing for the petitioner submitted that offence under Sections 420, 468 & 470 of IPC will not be attracted and the FIR is sheer abuse of process of law. The petitioner has not taken any advantage or claiming any right to attract the offence under Section 468 of IPC. He further submitted that the petitioner has not pursued the agreement to claim any right or title. Such view of the matter offence would not be attracted. Hence he prayed to quash the FIR.

4. At the outset, this Court is unable to agree with the submission made by the learned senior counsel for the simple reason that the allegation



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in the FIR indicate fabrication of documents and forgery. It is relevant to note that any person makes a false document with intention to support any claim or with intention to commit fraud it also amounts to forgery. The Act of the petitioner amounts to forgery of offence and cannot be decided at this stage. When the FIR itself indicate the allegation of fraud and forgery it has to be proved by the Investigation Officer. This Court cannot conduct roving enquiry. That apart the Hon'ble Supreme Court in (*Neeharika Infrastructure P Ltd., Vs. State of Maharashtra and others*) reported in 2021 (2) MWN Cr.90 (SC) has issued guidelines and has held that quashing of an FIR should be an exception and a rarity than an ordinary rule.

5. Hence, I do not find any merits in this case to quash the FIR, accordingly the criminal original petition stands dismissed. Consequently connected miscellaneous petition is also closed.

05.07.2022

Index : Yes/No
Internet : Yes/No
Speaking/Non speaking order
dpq

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To

1. The Inspector of Police,
R-1, Mambalam Police Station,
Chennai..
2. The Public Prosecutor,
High Court of Madras.



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N. SATHISH KUMAR, J.

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