



WEB COPY



CRL.O.P.No.19942 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.12.2022

CORAM:

THE HON'BLE Ms.JUSTICE R.N.MANJULA

CrI.O.P.No.19942 of 2021

1.Palani
2.Gopinath
3.Sandhiya

... Petitioners/Accused 2 to 4

Versus

1.The Inspector of Police,
Arcot Town Police Station,
Ranipet District.
Crime No.72/2021

... 1st Respondent / complainant

2.Kamatchi
Thasildar,
Arcot Taluk Office,
Ranipet District.

... 2nd respondent/ defacto complainant

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records in Cr.No.72 of 2021 on the file of the Arcot Town Police Station, Ranipet District and quash the same.

For Petitioners : Mr.R.Anbalagan



WEB COPY



CRL.O.P.No.19942 of 2021

For Respondent-1: Mr.A.Damodaran
Additional Public Prosecutor

ORDER

The petitioners have filed this petition to quash the FIR in Cr.No.72 of 2021 on the file of the Arcot Town Police Station, Ranipet District and quash the same.

2. The petitioners are the accused 2 to 4 in this case. The second respondent / *de-facto* complainant is a Tashildar of the Arcot Taluk Office, Ranipet District and he has given a complaint by stating that the petitioners have produced a false appointment order and attempted to join in the Government Department. Since the appointment order is a forged and concocted one, he has given the complaint and on which First Information Report has been registered in Crime No.72 of 2021 for the offenses under Sections 465, 468, 471 and 420 IPC.

3. The first and third petitioners are the parents of the second accused. The fifth accused who is the known person to the second accused had introduced him to the first accused; the first accused got money from the second accused and assured him that he would secure a government job for



him; on the appointment order given by the first accused to the second accused, the second accused went to the office of the Tashildar, Arcort, on 16.03.2021 for verification; but he came to know later that the appointment order was a forged one; the father of the second accused had given a sum of Rs.5 lakhs to the first accused on his assurance that he had secured a Village Administrative Officer job for the second accused.

4. The learned counsel for the petitioners submitted that the petitioners are the victims in this case; instead of considering them as witnesses they were wrongly implicated as accused in this case; the first petitioner is a Coolie worker who had been cheated by the first accused by receiving money from him; the petitioners did not have the knowledge that the appointment order is a forged one if they had the second accused would not have produced it before the concerned authorities; the petitioners are ignorant of the first accused and that is visible from their innocent conduct.

5. The first and third petitioners who are the parents of the second petitioner, they were made to believe by the first accused that he would secure a Village Administrative Officer post to their son, second accused. Based on that assurance, the father of the second accused had given Rs.5



lakhs to the first accused. When the first accused had given an appointment order, it is quite natural for the petitioners to believe that the first accused had secured a job for their son. The first accused being a Coolie worker did not know the various stages that should be passed before getting an appointment order. He blindly believed the first accused and he had given his money and got cheated. The second accused who is the son of the first petitioner with a fond hope that he got an appointment in Government went to the office of the Tashildar, Arcort Taluk, Ranipet District. On verification it was found that the appointment order brought by the second accused is a forged one. The second accused himself would have got shocked and disappointed with a fake order given by the first accused.

6. In fact, the petitioners are the victims at the hands of the first accused who is the beneficiary in this case. Instead of considering these petitioners as witnesses they have been wrongly implicated as accused and if the petitioners knew about the fake and forged nature of the appointment order given to the second accused, they would not have gone to the government office to join the job on the strength of it. So the innocence of the petitioners were misused by the miscreants. The manner in which the said



offence had taken place, the conduct of the petitioners and the other attendant circumstances would only show that there is nothing available on record to attribute to the culpability of these petitioners. The First Information Report on the face of it does not disclose any case against these petitioners.

7. In this regard, it is relevant to refer the judgment of the Hon'ble Supreme Court held in ***STATE OF HARYANA VS. BHAJANLAL [1992 SUPP (1) SCC 335]***.

"The following categories can be stated by way of illustration wherein the extra-ordinary power under [Article 226](#) or the inherent powers under [Section 482](#) of the Code of Criminal Procedure can be exercised by the High Court either to prevent abuse of the process of any Court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised:

(1) where the allegations made in the First Information Report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

(2) where the allegations in the First Information Report and other materials, if any, accompanying the F.I.R. do not disclose a cognizable offence, justifying an investigation by



police officers under *Section 156(1)* of the Code except under an order of a Magistrate within the purview of *Section 155(2)* of the Code.

(3) where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4) where the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under *Section 155(2)* of the Code.

(5) where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

(6) where there is an express legal bar en grafted in any of the provisions of *the Code* or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in *the Code* or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

(7) where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge."



CRL.O.P.No.19942 of 2021

8. The principles laid down in the said case is squarely applicable to the present case and there is no material available against the petitioners.

Hence, I feel it is an appropriate case where the Court should invoke powers under Section 482 Cr.P.C., to quash the proceedings as against these petitioners.

In the result, this Criminal Original Petition stands **allowed**. The proceeding in FIR in Cr.No.72 of 2021 on the file of the Arcot Town Police Station, Ranipet District in respect of the Accused 2 to 4, is quashed. The first respondent police can continue the investigation as against the rest of the accused and file the final report within a period of four weeks from the date of receipt of copy of this order.

05.12.2022

Index: Yes/No
jrs

To:

1. The Inspector of Police,
Arcot Town Police Station,
Ranipet District.
2. The Public Prosecutor,
High Court, Madras.

R.N.MANJULA, J.,



WEB COPY



CRL.O.P.No.19942 of 2021

jrs

Crl.O.P.No.19942 of 2021

05.12.2022