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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2022

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.22507 of 2021

and

CrI.M.P.Nos.12229 & 12230 of 2021

N.Duraikannan

... Petitioner

Versus

1. State represented by
The Inspector of Police,
Central Crime Branch,
Forgery Wing, Team - 27,
Vepery, Chennai - 600 007,
(Crime No.189 of 2017)

2. Mrs.Thamilchelvi

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating in C.C.No.3756 of 2020 on the file of Chief Metropolitan Magistrate Court, (Exclusive trial of CCB Cases), Egmore, Chennai and quash the same by allowing this Criminal Original Petition.

For Petitioner : Mr.M.Guruprasad

For R1 : Mr.E.Raj Thilak
Additional Public Prosecutor

O R D E R

This Criminal Original Petition is filed to call for the records relating in C.C.No.3756 of 2020 on the file of Chief Metropolitan Magistrate Court, (Exclusive trial of CCB Cases), Egmore, Chennai and quash the same by allowing this Criminal Original Petition.

2.The petitioner is accused in C.C.No.3756 of 2020 pending trial on the file of the Chief Metropolitan Magistrate Court, Exclusive trial of CCB Cases Egmore, Chennai for offence under Sections 465, 466, 468, 471, 420 r/w 511 IPC.



3.The primary ground on which the petitioner filed this quash petition is that the petitioner not presented any application to TNPSC authorities seeking employment. It is the petitioner's father D.Navaneethakrishnan, who submitted the documents to the authorities of Tamil Nadu Public Service Commission, informing that his son's name left out in the list of persons selected for the post of Deputy Superintendent of Police (Category -I). Hence, there is no question of fabrication of any documents, by the petitioner, the question of fabrication and cheating by impersonation would not arise.

4.The learned Additional Public Prosecutor submits that the Deputy Secretary, Tamil Nadu Public Service Commission lodged a complaint stating that the petitioner not appeared in any exam, on the contrary he submitted that his name has left out in G.O.Ms.No.203 Home (Pol.2) Department dated 10.03.2017, which was issued by the Government, Home Department for the purpose of issuance of appointment orders to 33 candidates, who got selected to the post of Deputy Superintendent of Police, in the aforesaid recruitment and hence requested the authorities of Tamil Nadu Public Service Commission to include his name in the above said G.O.Ms.No.203. The petitioner taking advantage of one Mythili, who got selected as Assistant Commissioner, Commercial Tax Department, made representation that the petitioner's name left out. For the petitioner's act of making such claim that to with Public Service Commission, with false particular, prove the intention, to cheat the public commission. There are no documents, to show that the petitioner participated in the examination, appeared for verification of documents, appeared for oral test and interview.

5.Considering the submissions and on perusal of the materials, this Court finds that the petitioner's contention is factual in nature and the same to be decided during trial. In view of the same this Court is not inclined to entertain the above said petition.

6.Accordingly, this Criminal Original Petition stands dismissed. Consequently, the connected miscellaneous petitions stand closed. It is made clear that the observation made therein are for the limited prayer in disposing the above petition. The trial Court to proceed with the case, decide the case on its own merits.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar



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To

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1. The Chief Metropolitan Magistrate,
(Exclusive trial of CCB Cases),
Egmore, Chennai.
2. The Inspector of Police,
Central Crime Branch,
Forgery Wing, Team - 27,
Vepery, Chennai - 600 007.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.M.Guruprasad, Advocate, S.R.No.3469

CRL.O.P.No.22507 of 2021

PCH[co]
NSK 09/02/2022