



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2022

CORAM :

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

CRL.O.P. NO.26824 OF 2018 &  
CRL.M.P.NOS.15470 & 15472 OF 2018

1.M.Sankar  
2.John Varghese  
3.M.S.R.Kishore

...Petitioners

Versus

1.The State  
Rep. by the Inspector of Police  
District Crime Branch  
District Police Office  
Sathuvachari, Vellore - 9  
(Crime No.33 of 2014)

2.Mani

...Respondents

PRAYER in Crl.O.P. No.26824 of 2018 : Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records and quash the proceedings in C.C. No.149 of 2018 on the file of the learned Judicial Magistrate, Katpadi, Vellore District.

For Petitioner : Mr.G.Viswanathan

For Respondents : Mr.R.Kishore Kumar  
Government Advocate for R1  
Ms.U.Priyadarshini for R2

ORDER

This Criminal Original Petition is heard through Video-Conferencing, on account of the COVID-19 pandemic situation.

2. Crl.M.P. No.1022 of 2022 which was filed to restore Crl. O.P. No.26824 of 2018, is ordered today and the criminal original petition is restored and orders passed on merits. It is relevant to note that the application for restoration was filed on 03.01.2022, after a delay of more than 2 months of dismissal of the main criminal original petition. That apart this is one of the tactics to delay the proceedings. The main application



was filed to quash the proceedings, particularly, the final report filed for an offence under Sections 120(B), 409, 468, 471 and 420 IPC.

3. The crux of the allegation is that the de-facto complainant has deposited all his retiral benefits in Central Bank of India, Latheri Branch, where the petitioners/accused are working and they created documents as if the de-facto complainant has availed agricultural loan and set off the deposits. It is the specific contention of the de-facto complaint that even at the time of depositing in the FD, the accused used to sign the documents and also used to get some signatures. It is his specific allegation that documents have been created to show as if the de-facto complainant has availed loan. The investigation was completed and a final report has been filed and the matter is also referred to Forensic department.

4. Forensic report indicates that the disputed and admitted signature has not been written by the same person. In respect of other points, the expert has stated that it is not possible to offer any reliable information on other points, but the fact remains that the report indicates that the admitted signature and disputed signature are not written by the same person and there was difference. When there are sufficient materials available on record to proceed with the trial, this court, in exercise of its power under Section 482 Cr.P.C cannot appreciate the facts merely based on the submissions and statements of the parties recorded under Section 161 of Cr.P.C. It is a fit case where the trial has to see its logical end.

5. Accordingly, the criminal original petition, filed to quash the final report against the petitioners is dismissed. However, there is no order as to costs. Consequently, the connected criminal miscellaneous petition is closed.

Sd/-  
Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

Asr

To

1.The Judicial Magistrate  
Katpadi,  
Vellore District



2.The Inspector of Police  
District Crime Branch  
District Police Office  
Sathuvachari, Vellore - 9  
(Crime No.33 of 2014).

3.The Public Prosecutor,  
High Court, Madras.

+lcc to Mr.S.Natarajan, Advocate, S.R.No.7658

Cr1. O.P. No.26824 of 2018 and  
Cr1. M.P. Nos.15470 & 15472 of 2018

MT(CO)  
RVM(24/03/2022)