



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30/03/2022

CORAM:

THE HON'BLE MR JUSTICE G.ILANGO VAN

Crl.O.P. (MD)No.18397 of 2018

and

Crl.MP (MD)Nos.8212 dn 8213 of 2018

WEB COPY

- 1.Chandrasekaran
- 2.Murugesan
- 3.Jeyachandran
- 4.Varadharajan
- 5.Kundharan
- 6.Jai Ganesh
- 7.Syed Ibrahim
- 8.Iqbal

: Petitioners/A1, A3, A4,
A6, A7, A8, A9 and A10

Vs.

- 1.State represented by
The Inspector of Police,
Thallakulam Police Station,
Madurai.
(Crime No.1219 of 2011)

: R1/Complainant

- 2.Sundararaman

: R2/De-facto Complainant

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records in CC No.86 of 2014 on the file of the Judicial Magistrate No.II, Madurai.

For Petitioners : Mr.B.Arun

For 1st Respondent : Mr B.Nambi Selvan
Additional Public Prosecutor

For 2nd Respondent : No appearance

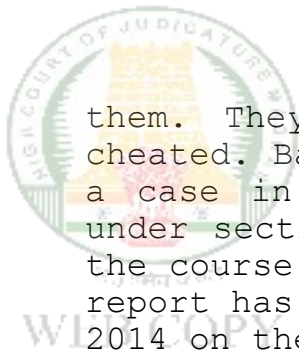
O R D E R

This criminal original petition is filed seeking quashment of the case in CC No.86 of 2014 on the file of the Judicial Magistrate No.II, Madurai.

2.The case of the prosecution in brief:-

The accused persons involved in creating forged documents by promising the general public that they will arrange passport for

<https://hcservices.ecourts.gov.in/hcservices/>



them. They also received amount from the public and thereafter cheated. Based upon the complaint given by the de-facto complainant, a case in Crime No. 1219 of 2011 was registered for the offences under sections 420, 417, 12(1)(b) of the Passport Act, 1967. During the course of investigation, materials have been collected and final report has been filed which was also taken cognizance in CC No.86 of 2014 on the file of the Judicial Magistrate No.II, Madurai.

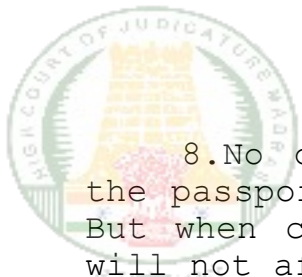
3. These petitioners who are arrayed as A1, A3, A4, A6 to A10 preferred this petition, seeking quashment of the criminal proceedings on the ground that they are job workers by profession and engaged in xerox, job typing work etc. No materials have been collected by the Investigating Officer to implicate these petitioners in the above said offence of cheating, conspiracy and forgery etc.

4. Heard both sides.

5. The learned counsel appearing for the petitioners would submit that only bald allegations have been made against these petitioners and no materials have been collected during the course of investigation to implicate these petitioners in the offence and they are doing only job work and running a xerox operation and except that, they are not involved in the above said fabrication of documents, cheating the public etc.

6. Perusal of the records shows that proceedings have been initiated by the respondent police, on the basis of the complaint given by the Passport Officer namely Sundaram, who was then Assistant Passport Officer. As per his statement, several brokers were roaming around the passport office and they canvassed the public stating that they can arrange passport for them. They also indulged in creating false documents such as birth certificate, e-documents etc. During the course of official duty, it was found that number of applications were enclosed with fabricated documents. It came to his notice during the enquiry that the accused persons name mentioned in the complaint are those persons, who are indulging in such sort of illegal activities. So on the basis of the above said complaint only, the case has been registered. During the course of investigation, statement of the witnesses have been recorded and the confession statement of the accused persons have also been recorded.

7. When serious allegation of fabrication of public records have been made and more particularly, when such forged documents have been produced before the de-facto complainant in the course of his official duty, it requires thorough trial process. So the contention on the part of the petitioners that no materials have been collected during the course of investigation against these petitioners attracting the offences under section 420 and 417 IPC and section 12 of the Passport Act, 1967 cannot be accepted at this stage.



8.No doubt that under section 12(1)(b) of Passport Act, only the passport officer is the authorised person to lodge a complaint. But when cognizable offence of 417 and 420 IPC are involved, that will not affect the prosecution now. On that ground, the prosecution cannot be quashed. From the accused persons, incriminating documents have also been recovered, on the basis of the confession statement, which is also produced before the concerned court along with the final report.

9.So I find absolutely no merit in this petition and accordingly, it is liable to be dismissed.

10.In the result, this criminal original petition is **dismissed**. However, there shall be a direction to the learned Judicial Magistrate NO.2, Madurai to expedite the trial process and complete the same within a period of five months from the date of receipt of a copy of this order and report the same to the Registry.

Sd/-

Assistant Registrar (Records)

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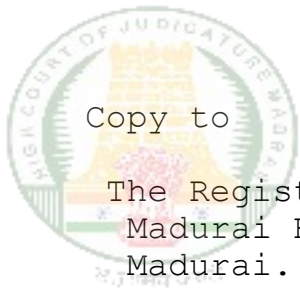
Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Judicial Magistrate No.2,
Madurai.
- 2.The Inspector of Police,
Thallakulam Police Station,
Madurai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



Copy to

The Registrar(Judicial)
Madurai Bench of Madras High Court,
Madurai.

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