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Crl.O.P.No.9115 of 2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2023

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.9115 of 2022

and

Crl.M.P.No.5304 of 2022

1.Vaidiyanathan

2.Annadurai

Petitioners

...

Vs.

1.The State rep.by
The Inspector of Police,
'Q' Branch CID,
Salem District.
(Crime No.1 of 2019)

2.C.Mathaiyan,
Sub-Inspector of Police,
'Q' Branch,
Salem District.

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to call for the records pertaining to impugned charge sheet taken in C.C.No.195 of 2021 on the file of the learned Judicial Magistrate, Omalur, Salem District and quash the same as against the petitioners herein.

For Petitioners : Mr.M.Prabhakar

For R1 : Mr.S.Udaya Kumar
Government Advocate (Crl.Side)

**ORDER**

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The petitioners herein are 2nd and 3rd accused in a case taken cognizance by the learned Judicial Magistrate, Omalur, Salem District for the offence under Sections 120 B, 420, 465, 468, 471 r/w. 109 IPC and Sections 12(1A)(a), 12(1A)(b), 12(2), 12(3) of Passport Act, 1967, contending that the petitioners are innocent and the final report been filed without proper appreciation of material collected in the course of investigation. Further submitted that the witnesses are all Srilankan refugees whose statements are not reliable, since there is no material evidence produced by the Investigating Officer to substantiate the case of the prosecution.

2. The learned Government Advocate (Crl.Side) appearing for the State submits that the fabrication of documents to get Indian Passport for the Srilankan refugees are well found in the material collected during the course of investigation and this is not a sole case against 1st petitioner/2nd accused, already 6 more criminal cases against him.



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3. The learned Government Advocate (Crl.Side) referring the proceedings of District Magistrate/Collector, Salem dated 17.09.2021 submitted that the District Collector had gone through the file in detail on submission of the material collected during the investigation and had accorded sanction to proceed under the Passport Act. Further submitted that the statement of witnesses are sufficient to prove the case of the prosecution against these petitioners and therefore, the petition is to be dismissed. Further it is stated that the trial has already commenced, summons to the witnesses been issued for their appearance on 26.12.2023.

4. On perusing the material, this Court finds that these petitioners had attempted to get fake passport by producing fake documents. Materials sufficient to charge them had been collected by the Investigating Officer. Hence the charges were framed and trial has proceeded issuing summons to the witnesses for examination. At this stage, this Court is of the opinion that the contention raised by the petitioners herein to quash the complaint does not carry any merit. Hence this Criminal Original Petition is dismissed. Consequently, the connected Criminal Miscellaneous Petitions is also



dismissed. The trial Court is directed to expedite the trial and complete it preferably on or before 26.04.2024.

20.11.2023

Neutral Citation : Yes/No
rpl
To

1.The Judicial Magistrate, Omalur, Salem District

2.The Inspector of Police,
'Q' Branch CID,
Salem District.

3.The Public Prosecutor,
High Court of Madras,
Chennai.



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Dr.G.JAYACHANDRAN, J.

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