



Crl OP No. 18634 / 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.06.2023

CORAM :

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

**Criminal Original Petition No. 18634 of 2019
and**

Crl.M.P. No. 9459 of 2019

G. Srinivasan

... Petitioner

Versus

**1. State rep., by,
Inspector of Police,
Central Crime Branch,
Team – V, Egmore,
Chennai - 8.**

2. R. Anbalagan

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Criminal Procedure Code seeking to call for the records in C.C. No. 3205 of 2017 on the file of the Metropolitan Magistrate CCB and CBCID cases, Egmore and quash the same.

For Petitioner : Mr. Swaminathan.

**For Respondents : Mr. A. Damodaran,
Additional Public Prosecutor for R1.**

**Mr. Chendur Eashwaran &
Mr. E.C.Ramesh for R2.**



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ORDER

The petition is to quash the final report for the alleged offence under Sections 420, 465, 467, 468, 471 read with 34 of the Indian Penal Code.

2.It is alleged in the final report that the petitioner had forged the receipt making it appear that the second respondent received Rs.40,00,000/- from the petitioner.

3.The learned counsel for the petitioner submitted that the allegations in the final report are false; that the second respondent has filed a suit in O.S. No. 2917 of 2012 on the file of the XV Assistant City Civil Court, Chennai for a permanent injunction restraining the petitioner from transferring the negative and print of the film 'Idhayathil Idam kodu' and the said Suit was also dismissed. The Civil transaction between the petitioner and the second respondent is sought to be falsely projected as a case of forgery. Even the expert on examination of the specimen and the questioned signatures had stated that the writing has been freely written and they agree cumulatively in the handwriting characteristics. Hence the prosecution of the petitioner is nothing but an abuse of process of



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4. The learned counsel for the second respondent and the learned Additional Public Prosecutor submitted that, *prima facie* materials are available to show that the second respondent's signatures was forged. This has to be adjudicated only before the trial Court and prayed for dismissal of the petition.

5. This Court finds that the question as to whether there was forgery or any wrongful loss caused to the second respondent on account of the said document which is alleged to be forged, is a matter which has to be adjudicated only before the trial Court. It is open to the petitioner to raise all points including relying upon the handwriting expert or other such evidence which is in his favour. Hence, this Court is not inclined to entertain this petition.

6. However, since the petitioner is an aged person, his presence before the trial Court is dispensed with unless the learned Magistrate considers his presence necessary for the progress of the trial. Further, the trial Court shall expedite the conduct of the trial and in any event, complete it within a period of three months from the date of receipt of a



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copy of this order.

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7. With the above observations, this Criminal Original Petition is dismissed. Consequently, the connected miscellaneous petition is closed.

16.06.2023

ay

Index: Yes/No

Speaking Order / Non-Speaking Order

Neutral Citation: Yes / No

To

1. The Inspector of Police,
Central Crime Branch,
Team – V, Egmore,
Chennai - 8.
2. The Metropolitan Magistrate,
CCB & CBCID Cases,
Egmore, Chennai.
3. The Additional Public Prosecutor,
High Court of Madras,
Chennai.



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SUNDER MOHAN, J

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