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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2023

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.24187 of 2022
and Crl.MP.No.15335 of 2022

Natarajan.K. (M/72-Y)
S/o.Kathirvel

.. Petitioner/Accused No.7

.Vs.

1.The State of Tamilk Nadu rep.by
Inspector of Police
Central Crime Branch Wing-5
Vepery, Chennai-7.
(Crime No.192/2015)

2.Mrs.Vijayalakshmi
Deputy Planner
Chennai Metropolitan Development Authority
(CMDA) No.1 Tandhi Irwin Salai
Egmore, Chennai.

.. Respondents/Complainants

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records and quash in CC.No.3484 of 2020 on the file of the 11th Metropolitan Magistrate Exclusive Trial of CCB Cases, Egmore, Chennai-8 and quash the same.

For Petitioner : Mr.V.Vijayashankar

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



ORDER

This criminal original petition has been filed challenging the proceedings pending in C.C.No.3484 of 2020 on the file of the 11th Metropolitan Magistrate Exclusive Trial of CCB Cases, Egmore, insofar as the petitioner (A7) is concerned.

2. When the matter came up for hearing on 30.8.2023, this Court passed the following order:

Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing on behalf of the respondent.

2. The petitioner is arrayed as A1 in the final report. The case of the prosecution is that A1 had started a Medical College under the aegis of Muthukumaran Educational Trust by using an alleged building plan approval that is said to have been issued on 05.11.2007 by CMDA. At a later point of time, during the year 2013, when steps were taken to lock and seal the property, it came to light that the very approval that was relied upon by the college was a forged and fabricated document and no such approval was given by CMDA.

3. The case of the petitioner is that he was working in the Indian Bank and he retired from the services of Indian Bank during January, 2011. Thereafter, the petitioner was engaged as a consultant by the Trust for filing the Income Tax returns. The petitioner was not even in the scene when the alleged offence is said to have been taken place in the year 2008. In view of the same, it was contended that the petitioner cannot be made to face trial in this case.

4. In the present case, the entire allegation centres around the creation of fake approvals from CMDA, which formed the basis for the Trust to get affiliated from Medical Council of India for establishing a Medical College. The prosecution must show that at the relevant point of time, the petitioner was also involved and only then the petitioner can



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be made to face the criminal prosecution. If the petitioner had come into the scene at a later point of time, when already the offence has been committed by the other accused persons, the petitioner can only be considered to be a victim of circumstances and nothing more.

5. The learned Additional Public Prosecutor shall go through the entire records and shall clarify this Court.

6. Post this case under the caption "Part Heard Cases" on 13.09.2023.

3. When the matter was taken up for hearing today, the learned Additional Public Prosecutor submitted that the investigation officer was not able to get any material to show that the petitioner was engaged by the Trust during the period between 2007 to 2010. The learned Additional Public Prosecutor submitted that the planning approval is said to have been approved on 5.11.2007 and the approval was given to the Trust for starting of the medical college on 5.4.2010.

4. The pension payment order in favour of the petitioner was placed before this Court. It is seen that the petitioner had joined Indian Bank on 17.12.1975 and he superannuated on 13.01.2011 and at the time of retirement, the petitioner was holding the post of General Manager. It is therefore clear that the petitioner had become a consultant for the Trust only after his retirement from Indian Bank. Only after his retirement from Indian Bank. Unfortunately, the petitioner was roped in this case since only during the year 2013, the CMDA came to know that the building plan approval itself is a fabricated document and at that point of time, the petitioner happened to be one of the consultants of the Trust. In the instant case, the



petitioner is more a victim of circumstances, and he has been roped in this case on

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an assumption that he was also a part of the Trust during the relevant point of time in the year 2007.

5.The entire materials that have been placed before this Court does not any where point out to the fact that the petitioner was engaged with the Trust before the year 2011. The pension payment order that has been issued by the Indian Bank is a document of sterling quality and it is unimpeachable in character and hence, it can be relied upon by this Court.

6.In the light of the above discussion, the continuation of the criminal proceedings as against the petitioner (A7) will result in an abuse of process of Court which requires the interference of this Court in exercise of its jurisdiction u/s. 482 of Cr.PC. Accordingly, the proceedings in C.C.No.3484 of 2020 on the file of the 11th Metropolitan Magistrate Exclusive Trial of CCB Cases, Egmore, is hereby quashed insofar as the petitioner (A7) is concerned. The Court below is directed to proceed further with the proceedings in C.C.No.3484 of 2020, pending on the file of the 11th Metropolitan Magistrate Exclusive Trial of CCB Cases, Egmore, insofar as the other accused persons are concerned and the proceedings shall be completed within a period of six months from the date of receipt of copy of the order.



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7. In the result, this criminal original petition stands allowed. Consequently, connected miscellaneous petition is closed.

25.09.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
kp

To

1. Inspector of Police
Central Crime Branch Wing-5
Vepery, Chennai-7.
2. Mrs. Vijayalakshmi
Deputy Planner
Chennai Metropolitan Development Authority
(CMDA) No.1 Tandhi Irwin Salai
Egmore, Chennai.
3. 11th Metropolitan Magistrate Exclusive Trial of CCB Cases,
Egmore, Chennai-8.
4. The Public Prosecutor,
High Court, Madras.



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N. ANAND VENKATESH,, J.
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