Crl.O.P.No.23814 of 2023
and Crl.MP.No.18483 of 2023

C.V.KARTHIKEYAN, J.

Petitioners/A1, A2 and A3 in Crime No.426 of 2017 registered under Sections 406, 465, 467, 468, 471 and 120(B) IPC, seek anticipatory bail.

2.Heard the learned counsel for the petitioners, learned counsel for the respondent and the learned counsel for the invervenor.

3.The FIR had been registered in the year 2017 and thereafter, the records revealed that the three petitioners herein had filed Crl.OP.No.28493 of 2017 under Section 482 Cr.PC., seeking to quash the First Information Report. By an order dated 5.10.2023, of a learned Single Judge of this Court, the said petition had been dismissed. Investigation therefore commenced only on and from 5.10.2023.

4.The case of the prosecution is that the de facto complainant, who is the wife of the 1st petitioner herein and the daughter-in-law of the 2nd and 3rd petitioners, had stated that the accused had convinced her to lend her name to be the sole Proprietix of M/s.K.Studios, involved in producing television serials. It is stated that two serials for Zee TV were produced. It is also stated that initially, the amounts had been invested by the accused persons to a sum of Rs.2.54

Crores and according to the petition, to a sum of around Rs.3.18 Crores. On starting of the sole Proprietor Firm, a bank account was also opened.

5.It is the specific case of the prosecution, as stated by the de facto complainant, she had signed several blank cheques and other documents as asked by the 1st and 2nd petitioners herein. She had also signed them. It is stated that however the signed cheques and other documents had been used for the personal gain of the petitioners herein. It is the specific case of the de facto complainant, who is also represented by a learned counsel and had filed an application seeking to intervene in this matter, that a total amount of more than Rs.8/-Crores had been earned by M/s.K.Studios. The entire amount had been utilised by the three accused persons to the disadvantage of the de facto complainant.

6.The learned counsel for the petitioners, however disputed this fact and stated that there are no allegations in the First Information Report about either signed blank cheques or about the further allegation about the cheques being forged with the signatures of the de facto complainant. The said statement of the learned counsel, is contrary to the records. In the First Information Report, on which much reliance is placed by the learned counsel for the petitioners claiming innocence and ignorance of the petitioners and therefore, seeking indulgence of this Court, the de facto complainant had very specifically stated that after she had stopped signing cheques in March 2017, the 1st accused with the help of the other persons of persons, who are unknown to her have also forged her signatures in various cheques, documents and legal papers and utilised the same to cause damage and loss to her. Thus, not only have the unsigned cheques been used to the disadvantage of the de facto complainant and monies withdrawn to the advantage of the accused persons, but, when signed blank cheques were not available the accused are also alleged to have forged the signature of the de facto complainant.

7.In the status report filed, very specifically it had been stated that forged cheques, promissory notes and specimen signatures had been collected form the de facto complainant and have been forwarded for Forensic Analysis. It is therefore not a case of innocence by the petitioners herein, but a scheme which had been initiated by all the petitioners to defraud the de facto complainant, who is the wife of the 1st petitioner. She had trusted them and had entered into the family as a daughter-in-law. But her name was used and after she had been fully used, she had been thrown out as an unnecessary person in the family.

8.The learned counsel for the petitioners also stated that no allegation have been stated in the First Information Report. The First Information Report had been the subject matter of an order in the application under Section 482 of Cr.PC., in Crl.OP.No.28493 of 2017 and the learned Single Judge had very specifically observed that there are more than sufficient materials available in the First Information Report to make out a cognizable case and that investigation should proceed. Investigation has just now started. The petitioners have appeared when notices had been received under Section 41A Cr.PC. But, when there are further investigation has to be done about the forgery of signatures then the petitioners will also have to give their specimen writings to determine whether anyone of them had committed the said forgery. It is true that the 2nd and 3rd petitioners are senior citizens. But, there are very specific allegations in the First Information Report as against them also.

9.The learned counsel for the de facto complainant also stated that her parents had to sell properties worth more than Rs.5½ Crores to settle outstandings and demands from various third persons. It is also contended that they had been notices issued from GST and Service Tax authorities claiming dues to be paid by the sole proprietorship Firm, to which the de facto complainant had lent her name. It is stated that she had also filed a writ petition to protect her interest in that regard. All these issues point out to a complicated web of series of transactions with ultimate aim to defraud the de facto complainant. Investigation will have to be done. It has been directed to be proceeded by the learned Single Judge in the order in Crl.OP.No.28493 of 2017, dated 5.10.2023. Let it proceed. I am not inclined to grant anticipatory bail. Petition stands dismissed for all the accused.

10.Accordingly, this anticipatory bail petition stands dismissed. Intervening petition is closed.

30.11.2023

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