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Crl.OP.No.9191 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.OP.No.9191 of 2024

and

Crl.MP.No.6451 of 2024

S.Siva

... Petitioner

Vs.

1.The Inspector of Police,
CCB Police Station Vth Division
Commissioner of Police wing
Vepery, Chennai

2.R.Vijayalakshmi

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records in C.C.No.1275 of 2017 on the file of Judicial Magistrate Court, Alandur, Chennai 16 and quash the same.

For Petitioner : Mr.S.Siva
Party-in-Person

For Respondents : Mr.S.Udayakumar for R1
Government Advocate (Crl.Side)



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ORDER

The petitioner herein is facing trial in C.C.No.1275 of 2017 for the offence punishable under Sections 420, 465, 466, 467, 468 and 471 of IPC.

2. The sum and substance of the charge against him is that he has fabricated the court order as if he was discharged from the criminal prosecution in C.C.No.916 of 2007 vide order dated 15.09.2009. Pending trial, the petitioner/accused has taken out the miscellaneous petition in Crl.MP.No.1560 of 2021 to discharge him on the ground that the complaint is barred by limitation and also on the ground that the order of discharge in C.C.No.916 of 2007, is genuine and not a forged document as alleged in the final report. This petition is pending before the Judicial Magistrate, Alandur, as per the submission made by the petitioner's counsel, who appeared before this Court as a party-in-person. While his application to discharge is pending, he has taken out the present petition under Section 482 of Cr.P.C., to quash the C.C.No.1275 of 2017 on the file of the Judicial Magistrate, Alandur.



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3. The ground raised in the quash petition is one and the same as that of the miscellaneous petition in Crl.MP.No.1560 of 2021 pending on the file of the Judicial Magistrate, Alandur.

4. As far as limitation is concerned, this Court finds that the complaint was registered pursuant to the direction given by this court in Crl.OP.No.24171 of 2016 dated 08.11.2016, then this court had an opportunity to verify the discharge order produced by this petitioner in a collateral proceedings.

5. Though the petitioner states that the Crl.MP.No.1560 of 2021 is still pending, learned Government Advocate (Crl.Side), on verifying the case status from the website, states that the said petition is dismissed and the matter is now been posted for arguments on 17.05.2024.

6. The issue in C.C.No.1275 of 2017 is whether the discharge order produced by the petitioner is genuine or fake. Now the trial court in the said Miscellaneous Petition, been brought to the notice about another discharge order produced by the petitioner pursuant to his application in the year 2020. Therefore, this court has no doubt that while concluding



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the case, the trial court will take judicial note of the documents produced before it and pass appropriate order since the case is pending for more than 7 years and it has reached almost fag end. At this stage, there is no necessity to interfere and entertain the petition for quash.

7. In view of the above, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

18.04.2024

Index : Yes/No
Internet: Yes/No
Speaking/Non speaking Order

gv

To

1. The Inspector of Police,
CCB Police Station Vth Division
Commissioner of Police wing
Vepery, Chennai.
2. The Public Prosecutor,
High Court of Madras,
Chennai.



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Dr.G.JAYACHANDRAN,J.

gv

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