



Crl.O.P.Nos. 23631 & 27803 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2024

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.Nos. 23631 & 27803 of 2022

and

Crl.M.P.Nos.15080, 17090 & 17091 of 2022

1. Vaidyanathan
2. Annadurai

.. Petitioners in
both Crl.O.P.s

Versus

1. State rep.by
The Inspector of Police,
'Q' Branch CID, Erode,
Erode Dt.
2. Rajasekar,
Special Sub-Inspector of Police,
'Q' Branch CID,
Thirupathu, Thirupathur Dt.
(Crime No. 1 of 2019)

... Respondents in
Crl.O.P.No.23631/2022

1. State rep.by
The Inspector of Police,
'Q' Branch CID, Erode,
Erode Dt.



Crl.O.P.Nos. 23631 & 27803 of 2022

WEB COPY

2. P.Prakash,
Special Sub-Inspector of Police,
'Q' Branch CID,
Erode, Erode Dt.
(Crime No. 1 of 2019)

... Respondents in
Crl.O.P.No.27803/2022

PRAYER in Crl.O.P.No. 23631 of 2022 : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to impugned charge sheet taken in C.C.No.51 of 2022 on the file of Judicial Magistrate No.I, Thirupathur, Thirupathur District and quash the same as against the petitioners herein.

PRAYER in Crl.O.P.No. 27803 of 2022 : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to impugned charge sheet taken in C.C.No.439 of 2021 on the file of Judicial Magistrate No.II, Erode, Erode District and quash the same as against the petitioners herein.

For Petitioners in
both Crl.O.P.s : Mr.M.Prabakar

For Respondents in
both Crl.O.P.s : Mr.S.Vinoth Kumar,
Govt. Advocate (Crl. Side)



Crl.O.P.Nos. 23631 & 27803 of 2022

WEB COPY

COMMON ORDER

These Criminal Original Petitions have been filed seeking to quash the charge sheets in C.C.No. 51 of 2022 on the file of Judicial Magistrate No.II, Thirupathur and C.C.No.439 of 2021 on the file of Judicial Magistrate No.II, Erode.

2. Heard both sides.

3. The petitioners in Crl. O.P.No. 23631 of 2022 are ranked as A3 and A5 in the F.I.R. in Crime No.01 of 2019 registered for the offence under Secs.120(b), 420, 465, 468, 471 of I.P.C. and 12(1A) (a), 12(1A)(b), 12(2), 12(3) of Passport Act, 1967 and the petitioners in Crl.O.P.No.27803 of 2022 are ranked as A4 and A5 in the F.I.R. in Crime No.01 of 2019 registered for the offence under Secs.218, 419, 420, 120(b), 465 r/w 109, 468, 471, 201 of I.P.C. and 14 (a)(b) of Foreigners Act, 1946, 12(1-A) (a), 12(1-A)(b), 12(1)(b), 12(2), 12(3) and 12(4) of Passport Act, 1967. Subsequently, the charge sheets have been filed and the same were taken on file in C.C.No.51 of 2012 on the file of Judicial Magistrate No.1, Thirupathur and C.C.No. 439 of 2021 on the file of



Crl.O.P.Nos. 23631 & 27803 of 2022

WEB COPY

Judicial Magistrate No.II, Erode and the same are pending. Now, the petitioners have filed these petitions praying to quash the said charge sheets.

4. The learned counsel for petitioners would submit that they have not involved in any such activities, but they have been falsely implicated in this case. The learned counsel would further content that there is no material ingredient against these petitioners that they were also involved in getting fake Indian Passport along with other accused A1 and A2. He would also submit that at the time of investigation, the 1st respondent failed to take a note that there is no direct nexus/relationship between the petitioners and A1. He would submit that there is no independent witness in the charge sheet filed by the 1st respondent against these petitioners and all the other witnesses are interested witnesses. Furthermore, there is no credibility in the statement given under Sec.161(3) of Cr.P.C.. He would also submit that none of the witnesses spoken about the falsification made by these petitioners for the alleged creation of bogus documents in order to get Indian passport. Hence, he prayed to quash the proceedings initiated against them.



WEB COPY

5. By way of reply, the learned Government Advocate (Crl. Side) appearing for 1st respondent raised strong objections stating that the petitioners are continuously involved in creating bogus documents in order to obtain fake Indian passport. He would submit that in an earlier occasion, this court also passed an order ***dated 20.11.2023*** in ***Crl.O.P.No.9115 of 2022*** against these petitioners and the said criminal case is also arising out of a F.I.R. Crime No.1 of 2019. The learned counsel has also pointed out that in Crime No.1 of 2019, more than 15 passports were involved, which are fake passports as per investigation. He would further submit that recently, the F.I.R.s in Crime No.1 of 2024 was lodged by the Trichy Q Branch CID and another Crime No.1 of 2024 was lodged by Thanjavur Q Branch CID against these petitioners, wherein also they have involved for the offence under Sec. 467, 468, 471, 420, 120(B) of I.P.C. r/w 12(1)(b) of Passport Act, 1967 and 14 of Foreigners Act, 1946. Hence, he prayed not to quash the charge sheets initiated against them.

6. On perusal of entire facts and on seeing the conduct of petitioners, they are continuously involved in the activity of creating fake



Crl.O.P.Nos. 23631 & 27803 of 2022

passports, which is also amounting to deprivation of sovereignty and integrity of India. Therefore, this Court is not inclined to quash the charge sheets initiated against these petitioners. Accordingly, these Criminal Original Petitions are dismissed. Consequently, connected Criminal Miscellaneous Petitions are closed.

27.02.2024

Index: Yes/No

Internet: Yes/No

rpp

To

1. The Inspector of Police,
'Q' Branch CID, Erode,
Erode Dt.
2. Special Sub-Inspector of Police,
'Q' Branch CID,
Thirupathu, Thirupathur Dt.
3. Special Sub-Inspector of Police,
'Q' Branch CID,
Erode, Erode Dt.
4. The Public Prosecutor,
High Court, Madras.



WEB COPY



Crl.O.P.Nos. 23631 & 27803 of 2022

T.V.THAMILSELVI, J.

rpp

CRL.O.P.Nos. 23631 & 27803 of 2022

27.02.2024