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Crl.O.P.No.14282 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2024

CORAM :

THE HON'BLE DR.JUSTICE G.JAYACHANDRAN

**Crl.O.P.No.14282 of 2024
and Crl.M.P.Nos.8750 and 8752 of 2024**

K.Baskar

.. Petitioner

Versus

**1. State Rep. by
Sub-Inspector of Police,
Taluk Police Station,
Krishnagiri.**

2. V.Amudha

.. Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the entire records relating to C.C.No.81 of 2024 on the file of the learned Judicial Magistrate No.II, Krishnagiri and quash the same.

**For Petitioner : Mr.K.Srinivasan,
Senior Counsel,
for M/s.Vrinda Ramesh**

**For Respondents : Mr.S.Udaya Kumar,
Government Advocate (Crl. Side),
for R1**



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ORDER

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The specific case of the prosecution against this petitioner is that on 14.09.2021, he snatched the Dispatch Register from the de-facto complainant which was a crucial documentary evidence in the case (fabrication of letter dated 08.08.2016), where this petitioner was a prime accused.

2. The learned Senior Counsel appearing for the petitioner would submit that the final report does not contain the disputed documents to prove the charge. Except the statement of the de-facto complainant and another Official witness recorded under Section 161 Cr.P.C. no independent witness to show that the petitioner indulged in the forcibly snatching of the record from the de-facto complainant and torn two pages of the mutilated entries of the Dispatch Register.

3. The learned Senior Counsel also submitted that the Dispatch Register which was marked as exhibit in C.C.No.566 of 2019 does not indicate that the Dispatch Register were torn. P.W.14 in that case had said nothing about the damage of the Dispatch Register which has been marked



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as Ex.P.28 and 30 (certified copies). The original of the Dispatch Register so far is not seen the light of the day.

4. To ascertain whether the *corpus delicti* been produced before this Court or atleast, seized by the respondent Police before filing Final Report, this Court directed the learned Government Advocate (Crl. Side) to produce the original Dispatch Register to examine whether at all any damage found in the document.

5. Today, when the matter is taken up for consideration, the learned Government Advocate (Crl. Side) states that there is no original Dispatch Register seized during the course of investigation except some entries in the General Diary maintained by the Police.

6. This Court is of the view that a complaint, given three months subsequent to the occurrence and cognizance taken 2 1/2 years thereafter, does not contain the foundational evidence to prove the commission of offence by the petitioner herein. Therefore, this is a fit case to be quashed in exercise of the powers under Section 482 of Cr.P.C.



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7. Accordingly, this Criminal Original Petition stands allowed and C.C.No.81 of 2024, on the file of the learned Judicial Magistrate No.II, Krishnagiri stands quashed. Consequently, connected miscellaneous petitions are closed.

29.07.2024

Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
grs

To

1. The Sub-Inspector of Police,
Taluk Police Station,
Krishnagiri.
2. The Public Prosecutor,
High Court of Madras.



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Dr.G.JAYACHANDRAN, J.

grs

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