



Crl.O.P.(MD)No.15047 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.03.2024

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THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.(MD)No.15047 of 2022
and
Crl.M.P.(MD)No.9838 of 2022

L.Ramanathan

... Petitioner

Vs.

1.State rep.by
The Inspector of Police,
City Crime Branch,
Trichy City.
(In Crime No.19 of 2011)

2.V.Harikrishnan

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in connection with in C.C.No.884 of 2021 on the file of the learned Judicial Magistrate No.I, Tiruchirappalli and quash the same in respect of the petitioner alone as illegal.

For Petitioner

: Mr.SP.Vijay Nivas,
for M/s.Sudha Rani.M



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For R1 : Mr.S.Manikandan,
Government Advocate (CrI. Side)

For R2 : Mr.P.Mani Anandh

ORDER

This Criminal Original Petition has been filed to quash the charge sheet in C.C.No.884 of 2021 on the file of the learned Judicial Magistrate No.I, Tiruchirappalli.

2.The case of the prosecution is that A1 had created a forged sale agreement in the name of one Nachiyarammal and produced the same before the civil Court as genuine one. The said sale agreement deed stamp paper was purchased from the petitioner herein, who is stamp vendor. A1 had misused the stamp papers sold by the petitioner. A3, A4 and A5 signed as witnesses in the forged sale agreement. A6 and A7 assisted A1 for creating forged sale agreement. Hence, the second respondent preferred a complaint, based on which FIR in Cr.No.19 of 2011 had been registered for the offences under Sections 420, 469, 468, 471 IPC @ Sections 420, 467, 468, 471 r/w 109 IPC. Upon completion



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of investigation, the first respondent filed final report, which was taken on file in C.C.No.884 of 2021 by the learned Judicial Magistrate No.I, Tiruchirappalli. Challenging the same, the present petition has been filed.

3.The learned counsel appearing for the petitioner submitted that the petitioner did not commit any offence as alleged by the prosecution. The petitioner never seen the other accused and the second respondent and A1 alone had ante dated the stamp purchased from the petitioner. He further submitted that the first respondent police, without conducting proper investigation, had filed final report, which is not sustainable. Accordingly, he prayed to quash the impugned proceedings.

4.The learned Government Advocate (Crl. Side) appearing for the first respondent submitted that the respondent has conducted a fair investigation and after examining the necessary witnesses and collecting all materials, he has filed the final report, which has been taken cognizance of by the court below.



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5.The learned counsel appearing for the second respondent submitted that the grounds, which raised in this petition, are all triable issue and the same cannot be agitated before this Court under Section 428 Cr.P.C. He further submitted that there are materials available to proceed with the case as against the petitioner herein and at the threshold, the criminal proceedings cannot be quashed and hence, he would pray to dismiss the present petition.

6.Heard the learned counsel on either side and perused the materials available in the records.

7.Time and again, this Court as well as the Supreme Court has cautioned the courts about the necessary precautions to be taken while quashing the charge sheet at the initial stage. Useful reference in this regard can be had to the decision of the Hon'ble Apex Court in ***State of Haryana – Vs - Bhajan Lal (1992 SCC (Crl.) 426)***.

8.In the above circumstances, the trial court has rightly taken the case on file and this Court is of the considered view that no prejudice



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would be caused to the petitioner if he is subjected to due trial as sufficient opportunity would be given to the petitioner to put forth his defence. The petitioner cannot be let by quashing the charge framed against him as that would completely undermine the alleged acts, which is the subject matter of criminal trial pending against him.

9.For the reasons aforesaid, this Court finds no ground or scope to quash C.C.No.884 of 2021 pending on the file of the learned Judicial Magistrate No.I, Tiruchirappalli. Accordingly, this petition, being devoid of merits, is dismissed. Consequently, connected miscellaneous petition is closed.

10.At this juncture, the learned counsel appearing for the petitioner submitted that this Court may consider dispensing with the personal appearance of the petitioner before the court below. Taking into consideration the request as made by the learned counsel for the petitioner, the appearance of the petitioner before the trial court is dispensed with except for his appearance for the purpose of receiving the copy of the proceedings u/s 207 Cr.P.C., framing of charges, questioning



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under Section 313 Cr.P.C. and on the day on which judgment is to be pronounced. However, if for any particular reason, the presence of the petitioner is necessary, the trial court, at its wisdom, shall direct his appearance on those days.

12.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

- 1.The Judicial Magistrate No.I,
Tiruchirappalli.
- 2.The Inspector of Police,
City Crime Branch,
Trichy City.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI,J.

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