



Crl.O.P.No.2030 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.01.2025

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THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.O.P.No.2030 of 2025

and

Crl.M.P.Nos.1226 and 1228 of 2025

1. Gnana Christopher
2. Chinnaraja

... Petitioners

Vs.

1. The Inspector of Police,
CCB I Vepery, Chennai.

2. Merlin JR Pace,
Assistant Regional Security Officer Investigation,
US Consulate General,
No.220, Anna Salai at Gemini Circle,
Chennai – 600 006.

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records pertaining to the impugned charge sheet in C.C.No.59 of 2024 on the file of the XI Metropolitan Magistrate for Exclusive Trial of CCB Cases, Chennai and CBCID Cases Court and to quash the same.

For Petitioners : Mr.V.Pavel

For Respondents : Mr.S.Sugendran
Additional Public Prosecutor
for R1



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ORDER

WEB COPY This Criminal Original Petition is filed to quash the charge-sheet in C.C.No.59 of 2024 on the file of the XI Metropolitan Magistrate Court for Exclusive Trial of CCB and CBCID Cases, Chennai.

2. The case of the petitioners is that they have attempted to fraudulently obtain US Non Immigrant B1/B2 Visa, and they have applied for emergency Visa on medical grounds to get medical treatment for the first petitioner's wife Vijaya Nirmala by submitting supported documents i.e., employment documents for employment, bank statements, US Mayo Clinic sponsor letter for interview. During verification, the consultant officials found that the documents submitted by the petitioners are forged and fabricated and the first petitioner himself admitted that he was not employed in IKEA company. The further allegation is that the first petitioner himself admitted and confessed that he prepared all the forged documents in his Laptop and the second petitioner is also well aware of the same. Further, they have confessed that they had no plans to take medical treatment for the first petitioner's wife in US, instead they used the opportunity to travel to US



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and intended to work illegally in United States and that, a case in Crime

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No.53 of 2023 was registered against the petitioners for the offences under Sections 465, 468, 471, 420 and 511 IPC. On completion of investigation, they filed a charge sheet in C.C.No.59 of 2024 before the XI Metropolitan Magistrate Court for Exclusive Trial of CCB and CBCID Cases, Chennai and the case is pending at the stage of trial.

3. Learned counsel for the petitioners submitted that the petitioners are innocent and they have not committed any charged offences and a false case has been foisted against the petitioners. There is no *prima facie* case made out against the petitioners. He further submitted that there is no necessity to falsely apply an emergency Visa using forged documents to get work illegally as both the petitioners were already working and also getting a fair income.

4. Learned Additional Public Prosecutor appearing for the first respondent-Police submitted that during the investigation, the petitioners themselves confessed the alleged offences and their confession statements were recorded.



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5. Heard both sides and perused the materials available on record.

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6. On a perusal of the records, it is seen that *prima facie*, there are materials against the petitioners to proceed with the case further. Even the petitioners themselves have given confession statement, and whether the confession statements given by the petitioners are with free of consent or not can be decided only after trial. Hence this Court is not inclined to entertain this petition by invoking Section 528 BNSS Act, 2023. However, the petitioners are at liberty to take all their defences before the trial Court in C.C.No.59 of 2024 on the file of the XI Metropolitan Magistrate Court for Exclusive Trial of CCB and CBCID Cases, Chennai.

7. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

28.01.2025

Index : Yes/No
Neutral Citation Case : Yes/No
Speaking Order : Yes/No
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To

1. The XI Metropolitan Magistrate Court
for Exclusive Trial of CCB and CBCID Cases,
Chennai.
2. The Inspector of Police,
CCB I Vepery,
Chennai.
3. The Public Prosecutor,
High Court, Madras.



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P.VELMURUGAN, J

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