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Crl.O.P.No.19450 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2025

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No.19450 of 2025

and

Crl.M.P.Nos.13365 & 13368 of 2025

V.Sakthivel

... Petitioner

Vs

1. The State represented by,
The Inspector of Police,
Erode Town P.S.,
Erode District.

2. Nitimohan

... Respondents

PRAYER:

Criminal Original Petition filed under Section 528 of BNSS, to call for the records relating to the criminal case in C.C.No.316 of 2025 on the file of the learned Judicial Magistrate No.II, Erode and quash the same.

For Petitioner : Mr.N.Manoharan

For R1 :Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)



Crl.O.P.No.19450 of 2025

WEB COPY

ORDER

This Criminal Original Petition has been filed to call for the records relating to the criminal case in C.C.No.316 of 2025 on the file of the learned Judicial Magistrate No.II Court, Erode and to quash the same.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the first respondent-Police and perused the materials available on record.

3. Learned Senior Counsel appearing for the petitioner submitted that the case of the prosecution is that the second respondent is a licensee of Shop No.1 at Abdul Gani Market pursuant to an auction conducted by the Erode Corporation in the year 2000 and that both the petitioner and the second respondent were jointly running a textile business in the said shop. Further it is alleged that the petitioner concocted with A2, who is an employee of Erode Corporation had prepared forged documents in order to create a partnership deed, deed of dissolution of partnership and



Crl.O.P.No.19450 of 2025

WEB COPY

confirmation deed. The petitioner had obtained stamp papers from a stamp vendor and handed over to A2, who had prepared the forged documents. He further submitted that the impersonator has not been identified in this case. The petitioner is only a beneficiary of the stamp paper. Since the Investigating Officer has not identified the impersonator so far and hence, no case would be made out as against the petitioner. Participating in trial is nothing but a futile exercise. He has also placed reliance on the judgment reported in *2018 (7) SCC in the case of Sheila Sebastian Vs. R.Jawaharaj and another.*

4. Learned Government Advocate (Crl.Side) appearing for the respondent-Police submitted that *prima facie* allegations are available as against the petitioner. The *de-facto* complainant and other witnesses have clearly spoken about the fabrication of the documents and the petitioner is the beneficiary of the said documents. Hence, there is no ground available to quash the case.



Crl.O.P.No.19450 of 2025

WEB COPY

5. Admittedly, the first respondent-Police registered a case as against the petitioner and another in Crime No.97 of 2018 for the offences under Section 420, 468, 471 and 506(i) of the IPC and after completion of investigation, filed a final report and the same was taken on file in C.C.No.316 of 2025 on the file of the learned Judicial Magistrate Court NoII, Erode. The petitioner is arrayed as A1. On a reading of F.I.R, final report, statements recorded from the witnesses, it is seen that there are *prima facie* allegations/materials are available to proceed the case further.

6. The grounds raised by the petitioner are not the grounds for quashing the CC which is nothing but defence and the same can be agitated during the course of trial before the trial Court. However, the petitioner is at liberty to workout his remedy in the manner known to law before the trial Court. The citation referred by the learned counsel for the petitioner is not applicable to the present case on hand.



Crl.O.P.No.19450 of 2025

WEB COPY

7. With the abovesaid direction, the Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

14.07.2025

mfa

Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No

To

1. The Judicial Magistrate No.II, Erode.
2. The Inspector of Police,
Erode Town P.S.,
Erode District.
3. The Public Prosecutor,
High Court, Chennai.



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Crl.O.P.No.19450 of 2025

P.VELMURUGAN, J

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