



Crl.O.P.Nos.21407 of 2015 etc.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.04.2026

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.Nos. 21407 of 2015, 6231, 6232 & 6322 of 2018 and 3519 of 2022
and Crl.M.P.Nos.2647, 2652, 2655 & 4492 of 2022

Crl.O.P.NO.21407 of 2015 :-

Dr.N.Sethuraman
S/o.Nalliah Servai, No.148, Millennium
Apartments, North Usman Road, T.Nagar,
Chennai – 17.

..Petitioner(s)

Vs

1. Dr.S.Brathibha
W/o.B.Mariappa Sairam,
No.20, 2nd Vinayagar Kovil Street,
K.K.Nagar, Madurai – 20
2. The State By
The Inspector Of Police,
J-1, Saidapet Police Station,
Chennai - 15.
Cr.No.3752 Of 2012
3. The Deputy Commissioner Of
Police, Adyar District, Chennai.

..Respondent(s)

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the second and third respondents to keep in abeyance the look out circular issued by the third respondent dated 29.04.2015 in respect of

Page 1 of 22



Crl.O.P.Nos.21407 of 2015 etc.

Dr.S.Brathibha (A3) in C.C.No.1725 of 2013 (New No.CC No.6766 of 2014)

on the file of the XVIII Metropolitan Magistrate Saidapet, Chennai.

For Petitioner(s): Mr.K.Subramanian, Senior Counsel
For Mr.S.Punniyakotti

For Respondent(s): Mr.K.Srinivasan, Senior Counsel
For Mr.M.Marudhachalam for R1

Mr.A.Gopinath
Government Advocate (Crl. Side)
for R2 & R3

Crl.O.P.NO.6231 of 2018 :-

1. S.Arun,
S/o.Selvaraj, No.5, Nagaiya Naidu Street,
Puliyangudi, Tirunelveli-855.
2. S.Ramesh,
S/o.Dr.Sethuraman, No.20, 2nd Vinayagar Koil
Street, K.K.Nagar, Madurai-20.
3. K.Ganesh,
S/o.Krishnan, No.9, Achari Street, Tallakulam,
Madurai-20.
4. J.Ganesh Kumar,
S/o.Jayaraman, No.4/451, East Anna Nagar,
10th Cross Street, Madurai-20.
5. S.Jayaraj,
S/o.Subramanian Servai, No.4/451, East Anna
Nagar, 10th Cross Street, Madurai-20.
6. L.Vinupandian,
S/o.Lakshmanan, No.435, Slc-5, Anna Nagar,
Madurai-20.

..Petitioner(s)



Crl.O.P.Nos.21407 of 2015 etc.

Vs

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1. The Inspector Of Police
J-1, Saidapet Police Station,
Cr.No.3752 Of 2012.
2. Dr.N.Sethuraman,
S/o.Nallaiya Servai, 148, Millennium
Apartment, North Usman Road, T.Nagar,
Chennai-17.

..Respondent(s)

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the entire records connected with the Charge sheet in C.C.No.1725 of 2013 pending on the file of the learned XVIII Metropolitan Magistrate Saidapet, Chennai and quash the same as far as the petitioners herein are concerned.

For Petitioner(s): Mr.K.Thilageswaran

For Respondent(s): Mr.A.Gopinath
Government Advocate (Crl. Side) for R1

No appearance for R2

Crl.O.P.NO.6232 of 2018 :-

Dr.S.Brathibha,
D/o.Dr.N.Sethuraman,
And W/o.B.Mariappa Sairam,
No.20, 2nd Vinayagar Kovil Street,
K.K Nagar, Madurai-20.

..Petitioner(s)

Vs

1. The Inspector Of Police
J-1, Saidapet Police Station,
Cr.No.3752 Of 2012.



Crl.O.P.Nos.21407 of 2015 etc.

2. Dr.N.Sethuraman,
S/o.Nallaiya Servai, 148, Millennium
Apartment, North Usman Road, T.Nagar,
Chennai-17.

..Respondent(s)

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the entire records connected with the charge sheet in C.C.No.6766 of 2014 (Split up from C.C.No.1725 of 2013) pending on the file of the learned XVIII Metropolitan Magistrate, Saidapet, Chennai and quash the same.

For Petitioner(s): Mr.K.Srinivasan, Senior Counsel
For Mr.Marudhachalam

For Respondent(s): Mr.A.Gopinath
Government Advocate (Crl. Side) for R1

No appearance for R2

Crl.O.P.NO.6322 of 2018 :-

1. S.Ramesh,
S/o.Dr.Sethuraman, No.20, 2nd Vinayagar
Kovil Street, K.K.Nagar, Madurai-20.
2. Dr.S.Brathibha,
D/o.Dr.N.Sethuraman, And W/o.B.Mariappa
Sairam, No.20, 2nd Vinayagar Kovil Street,
K.K.Nagar Madurai-20.

..Petitioner(s)

Vs

1. The Inspector Of Police
J-1, Saidapet Police Station,
Cr.No.1815 Of 2015.



Crl.O.P.Nos.21407 of 2015 etc.

2. Dr.N.Sethuraman,
S/o.Nallaiya Servai, 148, Millennium
Apartment, North Usman Road, T.Nagar,
Chennai-17.

..Respondent(s)

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the entire records connected with the charge sheet in C.C.No.4228 of 2015 pending on the file of the Learned XVIII Metropolitan Magistrate, Saidapet, Chennai and quash the same.

For Petitioner(s): Mr.K.Thilageswaran for P1

Mr.K.Srinivasan, Senior Counsel
For Mr.Marudhachalam for P2

For Respondent(s): Mr.A.Gopinath
Government Advocate (Crl. Side) for R1

No appearance for R2

Crl.O.P.NO.3519 of 2022 :-

G.Sakthi Saravanan
S/o S.P. Gopalakrishnan, Trustee, S.R. Turst,
No.219, Anna Nagar, Madurai 625020

..Petitioner(s)

Vs

1. Inspector Of Police
J-1, Saidapet Police Station, Law And Order,
Chennai 600015
2. S. Arun
S/o Selvaraj,
5, Nagaiah Naidu Street, Puliangudi,
Tirunelveli



Crl.O.P.Nos.21407 of 2015 etc.

3. S. Ramesh
S/o N. Sethuraman, 4/126-a, Lake Area, Melur
Road, Madurai
4. Brathiba
W/o Mariappa Sairam, 20, 2nd Vinayagar Koil
Street, K.K.Nagar, Madurai
5. Mariappa Sairam
S/o Balasubramani, 20, 2nd Vinayagar Koil
Street, Kk.Nagar, Madurai
6. K. Ganesh
S/o Krishnan, 9, Achari Street, Tallakulam,
Madura-2
7. J. Ganesh Kumar
S/o Jayaraman, 4/451, East Anna Nagar, 10th
Cross Street, Madurai-20
8. S. Jeyaraj
S/o Subramanian Servai,
4/451, East Anna Nagar, 10th Cross Street,
Madurai -20
9. L.Vinupandian
S/o Lakshmanan, 435, Slc-5, Anna Nagar,
Madurai-20
- 10.N.Sethuraman
S/o Nallaiya Servai, 148, Millenium
Apartment, North Usman Road, T.Nagar,
Chennai 600017

..Respondent(s)

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to
call for the records of the XVIII Metropolitan Magistrate Saidapet, Chennai in



Crl.O.P.Nos.21407 of 2015 etc.

Crl.MP.No.281 of 2015 in C.C.No.1725 of 2013 dated 30.01.2015 and quash the said docket order passed therein.

For Petitioner(s): Mr.K.Subramanian, Senior Counsel
For Mr.S.Punniyakotti

For Respondent(s): Mr.A.Gopinath
Government Advocate (Crl. Side) for R1

Mr.K.Thilageswaran for R2, R3, R6 to R9

COMMON ORDER

The petition in Crl.O.P.No.21470 of 2015 has been filed to direct the second and third respondent to keep in abeyance the look out circular issued by the third respondent dated 29.04.2015 in respect of Dr.S.Bathibha (A3) in C.C.No.1725 of 2013 on the file of the learned XVIII Metropolitan Magistrate, Saidapet, Chennai.

2. The petition in Crl.O.P.No.6231 of 2018 has been filed to quash the proceedings in C.C.No.1725 of 2013 on the file of the learned XVIII Metropolitan Magistrate, Saidapet, Chennai, thereby had taken cognizance for the offence punishable under Sections 420, 465, 467, 468, 471 r/w 34 of IPC as against the petitioners.



Crl.O.P.Nos.21407 of 2015 etc.

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3. The petition in Crl.O.P.No.6232 of 2018 has been filed to quash the proceedings in C.C.No.6766 of 2014 which has been split up from C.C.No.1725 of 2013 on the file of the learned XVIII Metropolitan Magistrate, Saidapet, Chennai, thereby had taken cognizance for the offence punishable under Sections 420, 465, 467, 468, 471 r/w 34 of IPC as against the petitioners.

4. The petition in Crl.O.P.No.6322 of 2018 has been filed to quash the proceedings in C.C.No.4228 of 2015 on the file of the learned XVIII Metropolitan Magistrate, Saidapet, Chennai, thereby had taken cognizance for the offence punishable under Section 174 A of IPC as against the petitioners.

5. The petition in Crl.O.P.No.3519 of 2022 has been filed challenging the docket order dated 30.01.2015 passed in Crl.M.P.No.281 of 2015 in C.C.No.1725 of 2013 on the file of the learned XVIII Metropolitan Magistrate, Saidapet, Chennai, thereby split up the case in C.C.No.1725 of 2013 in respect of the third accused.

6. The case of the prosecution is that the defacto complainant created a trust called SR Trust and establish Meenakshi Mission Hospital and Research



Crl.O.P.Nos.21407 of 2015 etc.

Centre at Madurai. While being so, on 05.12.2011, the accused persons approached him for including A2 & A3, who are none other than the son and daughter of the defacto complainant as trustees, after his life time. The defacto complainant agreed for the same and the accused 1 to 3 prepared a document consisting of two pages purported to be a power for appointment of his son and daughter as trustee and obtained the signature of the defacto complainant in the first page stamp paper and in the second page concrete sheet. Thereafter, A1 to A3 had taken out the second page and attached a different page containing the relevant recital for appointment of the accused 1 to 8 as new trustees and for removal of the existing trustees by forging the signature of the defacto complainant. They also removed the original second page and inserted newly created second page without the knowledge and consent of the defacto complainant and registered the same with the jurisdictional Registrar.

7. On the strength of the said document, the accused 1 to 8 had filed suit in O.S.No.9503 of 2011 on the file of the learned VIII Assistant City Civil Judge, Chennai and obtained an order of interim injunction restraining the existing trustees from involving in the management of the trust. Therefore, they committed an act of fraud, forgery and cheating. On the complaint, the first respondent Police registered the FIR in Crime No. 3752 of 2012 for the



Crl.O.P.Nos.21407 of 2015 etc.

offences punishable under Sections 420, 465, 467, 468 r/w. 471 of IPC. After completion of investigation, they filed final report and the same has been taken cognizance in C.C.No.1725 of 2013 for the offences punishable under Sections 420, 465, 467, 468, 471 r/w 34 of IPC.

8. The learned Senior Counsel appearing for the petitioners in Crl.O.P.No.6232 of 2015 submitted that all these petitions have been filed to quash the proceedings on the ground of compromise and the same was allowed by this Court by an order dated 01.13.2018. However, aggrieved by the same, one of the trustees of SR Trust filed petitions in Crl.M.P.Nos.6600 to 6605 & 6611 to 6616 of 2018, to recall the order passed by this Court dated 01.03.2018, on the ground that the SR trust is a public charitable trust, though it was founded by the defacto complainant and it is running a hospital by named Meenakshi Mission Hospital and Research Centre at Madurai. Under the supplementary trust deed dated 28.07.2011, he was appointed as one of the trustees of the SR Trust. On the recall petition, this Court recalled the earlier order passed by this Court dated 01.03.2018 and also dismissed all the quash petitions. Aggrieved by the same, the accused preferred a Special Leave Petition and the Hon'ble Supreme Court of India confirmed the recall order passed by this Court and remitted the matter back to this Court to give

Page 10 of 22



Crl.O.P.Nos.21407 of 2015 etc.

opportunity of hearing in the main quash petition. Therefore, the petitioners seek permission to raise additional grounds.

8.1. The alleged power documents was subsequently cancelled by the cancellation deed dated 28.12.2011 and they have not availed any benefits on account of the alleged fabricated deed 05.12.2011. It was not even acted upon and the third accused is not a trustee in the trust. Further on the basis of the hand writer opinion, now the first respondent had filed final report for the offences under Sections 420, 465, 467, 468 r/w. 471 of IPC. However, the prosecution failed to compare the signature of the accused to find out as to who forged the signature of the defacto complainant. Further, the prosecution failed to compare the admitted and specimen signature of the defacto complainant to prove the charge of forgery of the signature found in the second page of the deed of appointment in execution of power. The hand writing expert has opined that the signature in question does not match with the signature of the defacto complainant.

9. The learned counsel appearing for the other accused persons submitted that all the quash petitions have been filed on the ground of compromise. Though this Court allowed the petitions and quashed the entire

Page 11 of 22



Crl.O.P.Nos.21407 of 2015 etc.

proceedings on the ground of compromise, subsequently one of the so called trustees filed petition to recall the order of quashment on the ground of compromise and the same was recalled by this Court. All the trustees and the defacto complainant had entered into compromise and they had settled their issues amicably. Therefore, the petitioner in the recall petition has no locus to object the compromise entered between the defacto complainant and the accused persons. The dispute between the accused and the defacto complainant has been settled and the offences are compoundable. The continuation of criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the parties, to secure ends of justice, the criminal case is put to an end. Therefore, the entire proceedings can be quashed on the ground of compromise.

10. Per contra, the learned counsel appearing for the petitioner in Crl.O.P.No.3519 of 2022 submitted that the petitioner filed the recall petition and he is one of the trustees of the SR Trust. Though among the trustees, they settled the issue amicably, the trust is a public charitable trust and the beneficiaries' interest have to be protected. Therefore the beneficiaries are the victims and without their consent, the proceedings cannot be quashed as against the accused. He further submits that aggrieved by the order of recall,

Page 12 of 22



Crl.O.P.Nos.21407 of 2015 etc.

they preferred an appeal before the Hon'ble Supreme Court of India. After granting leave, the Hon'ble Supreme Court of India passed order in the Criminal Appeal. Therefore, the order passed by this Court had merged with the order passed by the Hon'ble Supreme Court of India. Therefore, it cannot be considered once again. Though the Hon'ble Supreme Court of India remanded back the matter for giving opportunity to the petitioners, the quash petition itself filed on the ground of compromise and the same was already decided by this Court and was also confirmed by the Hon'ble Supreme Court of India. In support of his contention of doctrine of merger, the learned Senior Counsel relied upon several judgments of the Hon'ble Supreme Court of India.

11. The learned Government Advocate (Crl. Side) appearing for the respondent Police submitted that the present petitions are the second round of litigation. Already the accused persons filed quash petitions and the same was dismissed by this Court. Once again, they filed quash petitions on the ground of compromise and the same were allowed. However, on the petition filed by one of the trustees, the quashment order on the ground of compromise has been recalled and the same was confirmed by the Hon'ble Supreme Court of India. Therefore, there is absolutely no merits in these petitions and the same are liable to be dismissed.

Page 13 of 22



Crl.O.P.Nos.21407 of 2015 etc.

WEB COPY

12. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

13. All the accused persons filed the petitions in Crl.O.P.Nos.6231, 6232 & 6322 of 2018 to quash the entire proceedings in C.C.No.1725 of 2013 on the file of the learned XVIII Metropolitan Magistrate, Saidapet, Chennai, for having been taken cognizance for the offence punishable under Sections 420, 465, 467, 468, 471 r/w 34 of IPC, on the complaint lodged by the defacto complainant. While pending the trial, all the accused filed quash petition before this Court in Crl.O.P.No.16067 of 2013 and this Court by an order dated 05.09.2014, dismissed the quash petition. Aggrieved by the same, the accused filed Special Leave Petition before the Hon'ble Supreme Court of India and the same was also dismissed. Once again by way of second round of litigation, the accused persons filed quash petition on the ground of compromise, as if they settled the issue with the defacto complainant since the defacto complainant is none other than the father of the accused 2 & 3. This Court quashed the entire proceeding as against the accused persons in Crl.O.P.Nos. 6231, 6322 & 6232 of 2018, on the ground of compromise, by the orders dated 01.03.2018. Aggrieved by the same, one of the trustees filed petitions to recall those orders

Page 14 of 22



Crl.O.P.Nos.21407 of 2015 etc.

in Crl.M.P.Nos. 6600, 6602 & 6604 of 2018 respectively and all the petitions were allowed by this Court by an order dated 04.05.2018. While recalling the earlier order passed by this Court dated 01.03.2018, this Court dismissed the quash petitions in Crl.O.P.Nos. 6231, 6322 & 6232 of 2018 also. Therefore, the accused persons preferred appeals before the Hon'ble Supreme Court of India in Crl.A.Nos.583, 584 & 585 of 2019 respectively. Though the Hon'ble Supreme Court of India by the judgment dated 02.04.2019, confirmed the recall order passed by this Court, remanded the matter to this Court to consider the matter a fresh on merits strictly in accordance with law.

14. The learned counsel appearing for the petitioner mainly contended that the document which was allegedly forged by the accused by forging the signature of the defacto complainant was not acted upon and subsequently, the deed was cancelled by way of cancellation deed dated 28.12.2011. On the strength of the said alleged forged document viz., appointment in execution of power deed dated 05.12.2011, no one enjoyed any benefits and as such no criminal proceedings can be initiated as against them. The alleged forged signature was not compared with specimen signature of the accused to fix who had forged the signature of the defacto complainant. Therefore, no offence is made out as against the accused persons.

Page 15 of 22



Crl.O.P.Nos.21407 of 2015 etc.

15. It is seen that before the filing of this quash petition on the ground of compromise, the accused 1 to 3 and 5 to 8 had already filed quash petition in Crl.O.P.No.16067 of 2013 and this Court dismissed the quash petition by an order dated 05.09.2014. Subsequently, by way of second round of litigation, on the ground of compromise, once again the accused persons filed these quash petitions. They did not raise any additional ground since the quash petitions were filed on the ground of compromise alone. It was rejected and the petitions were dismissed by this Court and the same was confirmed by the Hon'ble Supreme Court of India. Therefore, on other grounds, the quash petitions cannot be considered for the second time since, already the quash petition filed by the accused persons was dismissed by this Court on merits.

16. Further on perusal of the documents, it is revealed that the alleged document was originally prepared by A1 to A3 and the signature of the defacto complainant was obtained by them in the said document. Subsequently, they removed the second page of the document and created and attached a new page which contained recitals for appointing the A1 to A8 as trustees and for also removing the existing trustees by forging the signature of the defacto complainant and the said new page was inserted without the knowledge and consent of the defacto complainant who executed the document and the same

Page 16 of 22



CrI.O.P.Nos.21407 of 2015 etc.

was presented before the registering authority. By using the said document, the accused 1 to 7 also filed a suit and obtained an interim injunction as against the existing trustees. After complaint, the accused cancelled the said document by way of cancellation deed dated 28.12.2011. Subsequently, the suit filed by them was also withdrawn. Further more, the execution of cancellation deed would not evade the entire criminal proceedings. Once the accused had committed forgery, it cannot be compensated by merely cancelling those documents.

17. Further on perusal of the statement recorded under Section 161 of Cr.P.C., of the material witnesses and also the officer who compared the signature of both admitted and disputed signature, they had categorically stated that both the signatures are different from each other and the signature found in the disputed document is not that of the signature of the defacto complainant. As per the document, all the accused persons inducted themselves as trustees by removing the existing trustees. In fact, the witnesses to the original document had also deposed as against the accused persons. The contention of the learned Senior Counsel appearing for the accused cannot be countenance for the simple reason that the hand writing expert's opinion can be obtained by comparing the admitted signature and the disputed signature. However, the

Page 17 of 22



Crl.O.P.Nos.21407 of 2015 etc.

disputed signature cannot be compared with the accused handwriting to find out as to who forged the signature.

18. The Hon'ble Supreme Court of India in the judgment reported in **2019 (4) SCC 351** in the case of ***Devendra Prasad Singh Vs. State of Bihar & Anr., (Crl.A.No.579 of 2019 dated 02.04.2019)*** while dealing with the petition to quash the entire criminal proceedings held that the High Courts have no jurisdiction to appreciate the statement of the witnesses and record a finding that there were inconsistencies in their statements and therefore, there was no prima facie case made out as against the accused. It could be done only by the trial Court while deciding the issues on the merits or/and by the Appellate Court while deciding the appeal arising out of the final order that the charge sheet has been laid on the basis of the inconsistency statement under Section 161 of Cr.P.C.

19. Further, the Hon'ble Supreme Court of India in the judgment reported in **2019 (10) SCC 686** in the case of ***Central Bureau of Investigation Vs. Arvind Khanna, (Crl.A.No.1572 of 2019 dated 17.10.2019)*** held that the High Courts cannot record the findings on the disputed facts. The defence of the accused is to be tested after appreciation of evidence by the trial Court

Page 18 of 22



Crl.O.P.Nos.21407 of 2015 etc.

during the trial. Therefore, this Court has no power to consider the disputed facts under Section 482 of Cr.P.C.

20. The Hon'ble Supreme Court of India in another judgment dated **02.12.2019** passed in ***Crl.A.No.1817 of 2019*** in the case of ***M.Jayanthi Vs. K.R.Meenakshi & anr***, held that while considering the petition for quashment of complaint or charge sheet, the Court should not embark upon an enquiry into the validity of the evidence available. All that the Court should see is as to whether there are allegations in the complaint which form the basis for the ingredients that constitute certain offences complained of. Further, the Court can also see whether the preconditions requisite for taking cognizance have been complied with or not and whether the allegations contained in the complaint, even if accepted in entirety, would not constitute the offence alleged. Whether the accused will be able to prove the allegations in a manner known to law would arise only at a later stage i.e., during trial.

21. Further this Court cannot observe at this stage as to whether the initiation of criminal proceeding itself is malicious or not. The same is required to be considered at the conclusion of the trial. Therefore, the grounds raised by the petitioners to quash the final report/charge sheet cannot be entertained.



Crl.O.P.Nos.21407 of 2015 etc.

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22. Therefore, this Court finds no ground to quash the entire proceeding on the ground of compromise or on merits. As rightly pointed out by the one of the trustees, who was appointed by way of supplementary trust deed dated 28.07.2011, the real victims are the beneficiaries under the trust since it is a public charitable trust. Therefore, though the founder of the trust entered into a compromise with the accused, it cannot be quashed without hearing and obtaining consent from the beneficiaries of the trust on the ground of compromise.

23. In view of the above discussion, this Court is not inclined to quash the criminal proceedings and the present quash petitions cannot be sustained and are liable to be dismissed. Further, this Court finds no infirmity in the look out circular issued in respect of the third accused and also the docket order dated 30.01.2015 passed in Crl.M.P.No.281 of 2015 in C.C.No.1725 of 2013 on the file of the learned XVIII Metropolitan Magistrate, Saidapet, Chennai, thereby splitting up the case in C.C.No.1725 of 2013 in respect of the third accused.



Crl.O.P.Nos.21407 of 2015 etc.

24. Accordingly, all the Criminal Original Petitions stand dismissed.

Consequently, connected miscellaneous petitions are closed.

20.04.2026

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
rts

To

1. The XVIII Metropolitan Magistrate,
Saidapet, Chennai
2. The Inspector Of Police,
J-1, Saidapet Police Station,
Chennai - 15.
3. The Deputy Commissioner Of
Police, Adyar District, Chennai.
4. The Public Prosecutor,
Madras High Court,
Madras.



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Crl.O.P.Nos.21407 of 2015 etc.

G.K.ILANTHIRAIYAN. J,

rts

Crl.O.P.Nos. 21407 of 2015, 6231,
6232 & 6322 of 2018 and 3519 of 2022
and Crl.M.P.Nos.2647, 2652, 2655 & 4492 of 2022

20.04.2026