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IN THE HIGH COURT OF JUDICATURE AT MADRAS

ORDERS RESERVED ON: 25-09-2026

PRONOUNCED ON : 30-10-2026

CORAM

THE HONOURABLE MR JUSTICE M.NIRMAL KUMAR

CRL OP No.7608 of 2026

and

Crl.M.P.No.5459 of 2026

CNR: {HCMA010629662026}

T.Russel Raj ... Petitioner / Accused No.2

Vs

1.State by
The Inspector of Police,
N-1, Royapuram Police Station,
Chennai. ... Respondent / Complainant

2. Paul Gladson ... Respondent / Defacto Complainant

For Petitioner : Mr.V.K.Sathiamurthy

For Respondents : Mr.R.Rajasekaran
Govt.Advocate (Crl.side) for R1

PRAYER : Criminal Original Petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to quash the proceedings against the petitioner / accused No.2 in C.C.No.609 of 2020, on the file of the XVI Metropolitan Magistrate Court, George Town, Chennai.

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O R D E R

The petitioner, who is arrayed as Accused No.2, in C.C.No.609 of 2020, on the file of the XVI Metropolitan Magistrate Court, George Town, Chennai, for the offences under Sections 420, 465, 468, 471 and 511 read with Section 34 of the Indian Penal Code, has filed this petition to quash the proceedings against him.

2. The second respondent / de facto complainant, Paul Gladson, a preacher, who runs a Trust in the name of “Jerushiya Foundation”, gave a complaint, dated 06.08.2014, to the Deputy Commissioner of Police, Washermenpet, who forwarded to the Assistant Commissioner of Police, Royapuram Range, and thereafter to the first respondent. Based on the complaint, the first respondent registered an FIR in Crime No.237 of 2015, on 07.02.2015, for the offences under Sections 465, 467, 468 and 471 IPC., against two persons, namely, Christopher (A5) and S. David (A3).

3. The gist of the complaint is that A3, member of the Foundation and later removed, introduced A5 to the defactyo complainant, on the promise of securing foreign funds/donations, thereby cheated Rs.27,00,000/-. A3 retained photocopies of the documents relating to "500 Gold Units" belonging to the Foundation, using the same, threatened and demanded money from him. The

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stolen documents handed over to A5, who, by forging t complainant's signature, fabricating documents, lodged a false complaint against him before the Royapuram Police in order to extort money. The complainant requested that the disputed signatures be sent to the Forensic Department. The petitioner's name does not figure anywhere in the complaint, the initial statement or the FIR.

4. Subsequently, on a further statement of the *de facto* complainant under Section 161(3) Cr.P.C., a different version emerged. The petitioner, an advocate, who appeared for A1, A3, A4, A5 and certain other persons said to be the victims of the *de facto* complainant, added as an accused along with Mrs.Chandra David (A1, wife of A3) and Mr. E.Seloth Raj (A4). After investigation, final report filed on 26.02.2020 against A1 to A5, for the offences under Sections 420, 465, 468, 471 and 511 read with Section 34 IPC, which taken on file as C.C.No.609 of 2020.

5. According to the final report, all the accused shared a common intention, and on 06.04.2008, A1 to A4 went to Bengaluru, approached one K.P.Venkatasamoorthy, Managing Trustee of “Dharma Prathivarthika Trust”, promised to secure Rs.500/- crores for the Trust and thereby obtained 44 signed blank cheque leaves from him. A1 thereafter filled up cheque No.057585, created a false document, which used to lodge a complaint against the *de facto*

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complainant. As against the petitioner, the allegations are that present along with the other accused at Bengaluru, when K.P. Venkatasamoorthy handed over the cheques to A1, and he advised A5 to lodge a complaint against the *de facto* complainant.

6. A5 died on 20.03.2020, the proceedings against him stood abated. The proceedings against A1 and A3 quashed by this Court on 14.03.2022 in Crl.O.P.No.22656 of 2021, on the basis of a compromise. In that petition, the petitioner's case dismissed as withdrawn with liberty to file a separate petition on merits. A4 filed Crl.O.P.No.9675 of 2022 and the proceedings against him quashed by order, dated 18.09.2024. The petitioner's Crl.O.P.No.6311 of 2022 was withdrawn. He then filed a petition for discharge in Crl.M.P.No.765 of 2025, before the trial Court, which was dismissed on 06.12.2025, and the Criminal Revision Case in Crl.R.C.No.468 of 2026 preferred against the same dismissed as withdrawn with liberty to file a petition to quash. Hence, the present petition for quashment. The petitioner is thus the only accused now facing trial in C.C.No.609 of 2020, which is at the stage of framing of charges.

7. Mr.V.K.Sathiamurthy, learned counsel for the petitioner, submitted that the petitioner is only the advocate of A1 and others and has no role in any of the transactions that led to the registration of the case. The complaint and the FIR disclose no offence against

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him. The final report is a subsequent embellishment based on belated further statement. The allegations against him are vague, general and omnibus and the only overt act attributed against him is his alleged presence at Bengaluru on 06.04.2008 and advice to a co-accused to lodge a complaint, neither of which constitutes an offence. The ingredients of Sections 420, 465, 468 and 471 IPC are absent, there being no allegation that he dishonestly induced K.P. Venkatasamoorthy to deliver the cheques or he made or used any false document. The allegation of forgery is confined to A1 and A3. Cheque No.057585 and the other 43 cheques neither seized nor sent to an expert, nor the petitioner's specimen signatures or handwriting obtained for comparison. K.P. Venkatasamoorthy, the person said to have deceived, made no complaint The principal accused, A1 and A3, and A4, whose alleged role was larger, have been relieved by this Court and A5 is dead, so that nothing survives for trial against the petitioner; and the case is a counterblast to C.C.No.7484 of 2016, pending on the file of the Metropolitan Magistrate Court for CCB and CB-CID cases, Egmore, in which A3 and A4 have deposed against the *de facto* complainant.

8. Mr. Leonard Arul Joseph Selvam, learned Additional Public Prosecutor appearing for the first respondent, opposed the petition and submitted that the final report discloses a prima facie case and the petitioner's role can be tested only during trial. Hence, he prayed for dismissal of the petition.

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9. This Court considered the submissions of the learned counsel on either side and perused the materials on record.

10. The principles governing the exercise of the inherent jurisdiction of this Court to quash criminal proceedings are well settled. Where the allegations in the complaint or the final report, taken at their face value and accepted in their entirety, do not disclose the ingredients of the alleged offence, or where the proceedings are manifestly attended with mala fides and have been instituted with an ulterior motive, the Court may intervene to prevent abuse of the process of law and to secure the ends of justice. The principles laid down in ***State of Haryana v. Bhajan Lal, 1992 Supp (1) SCC 335***, govern the exercise of this jurisdiction. At the same time, the Court must not undertake a mini-trial or assess the reliability of disputed evidence at the stage of considering a petition for quashing.

11. It is necessary to examine the manner in which the petitioner came to be implicated. The original complaint alleged that A3 and A5 forged the complainant’s signature, fabricated documents in order to lodge a false complaint against him and extort money. The FIR registered against A3 and A5 alone. The prosecution case as set

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out in the final report, however, concerns a different transaction. T alleged procurement of 44 signed blank cheques from K.P. Venkatasamoorthy at Bengaluru on 06.04.2008 and the subsequent filling up of one of those cheques by A1. The petitioner implicated only through a subsequent statement recorded during investigation. The fact that his name not appeared in the original complaint or the FIR, by itself, does not warrant quashing of the proceedings. Nevertheless, the nature of the subsequent allegations and the material collected in support of them require scrutiny to determine whether the essential ingredients of the offences alleged are disclosed against him. Even if the final report is taken as it stands, the case against the petitioner is confined to two allegations: (i) he present at Bengaluru along with the other accused, when the cheques handed over to A1; and (ii) he advised A5 to lodge a complaint against the *de facto* complainant.

12. To constitute the offence of cheating, there must be deception of a person, fraudulent or dishonest inducement of that person to deliver property, and the intention to deceive must exist at the very inception. The final report does not say that the petitioner made any representation to K.P.Venkatasamoorthy, nor the petitioner who promised to secure Rs.500 crores, nor the petitioner received or benefited from any property. Mere presence at the place of delivery not amount to deception or dishonest inducement. K.P.

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Venkatasamoorthy, the person allegedly deceived, made complaint. Section 511 IPC, which punishes an attempt, cannot stand when the substantive offence itself is not made out against the petitioner.

13. The offence of forgery presupposes the making of a false document or electronic record within the meaning of Section 464 IPC, that is, dishonestly or fraudulently making, signing, sealing or executing a document with the intention of causing it to be believed that it was so made by or under the authority of another person requires fraudulent or dishonest use of such a document as genuine, knowing or having reason to believe it to be forged. The final report itself attributes making of the alleged false document, namely, filling up of cheque No.057585, exclusively to A1. There is no allegation that the petitioner made, signed or executed any document, or he used any document as genuine. The giving of advice by an advocate to his client to lodge a complaint, even if accepted as true, is not an offence. In this regard, the observations in the order passed in Crl.O.P.No.9675 of 2022 in respect of A4, whose alleged role larger than that of the petitioner. The allegations are vague, general and omnibus and no document sent for comparison of signatures, apply with equal force to the petitioner.

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14. Further, Section 34 IPC does not create a substantive offence; it lays down a rule of joint liability for a criminal act done by several persons in furtherance of the common intention of all, and it requires proof of a pre-arranged plan and active participation in the commission of the offence. Mere presence at the scene, or mere association with the principal offender, is not sufficient. The bald assertion in the final report that all the accused "entertained a common intention" is unsupported by any material showing a meeting of minds between the petitioner and A1 in the making or use of a false document or in the deception of K.P. Venkatasamoorthy.

15. Neither cheque No.057585, nor other 43 cheques, seized and produced before the trial Court. No document sent for expert opinion, and the specimen signature or handwriting of the petitioner never obtained for comparison. The prosecution, therefore, not even collected the basic material to establish any forged document came into existence, much less that the petitioner had any hand in it. A trial on such a final report would be an empty formality.

16. It is seen from the records that A5 died. A1 and A3, who according to the final report are the principal actors, and A4, whose alleged role is described in the petition as much larger than that of

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the petitioner, relieved of the proceedings by this Court. This Court conscious that the proceedings against A1 and A3 quashed on the basis of a compromise, and a compromise between certain accused and the complainant does not, by itself, enure to the benefit of another accused. But the question here is different. The petitioner is the lone surviving accused, against whom the allegations are of presence and advice, and the very persons whose acts constitute the alleged forgery and cheating are no longer facing trial. Even if the entire prosecution evidence is assumed to be true, nothing in the final report can make out a case to proceed against the petitioner, is an exercise in futility compelling the petitioner to undergo a trial of more than a decade-old transaction, at the age of 62 years, in such circumstances would be nothing but an abuse of the process of law.

17. The materials placed before this Court, including the pleadings of the petitioner, findings recorded by the City Civil Court in O.S.No.1637/2016, dated 03.08.2020, show that the relationship between the de facto complainant and A3 and the other persons involved, turned bitter and several cross-complaints and cases are pending between them, including C.C.No.7484 of 2016 filed on the complaint of A3 and A4 against the de facto complainant. The petitioner, who appeared as an advocate for some of the said persons, appears to have been drawn into the case after the FIR as part of that dispute. Though this Court not expressed any opinion on the merits

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of the cross-cases, these circumstances lend support to t contention that implication of the petitioner is not free from ulterior motive.

18. The petitioner approached the trial Court by way of a petition for discharge, which was dismissed. However, the dismissal of the discharge petition not barred the petitioner from invoking the inherent jurisdiction of this Court, especially, when liberty to do so expressly reserved while the revision withdrawn. Where, on the face of the final report, no offence is made out against the accused, this Court need not wait for the stage of framing of charge.

19. For the foregoing reasons, this Court is of the considered view that the allegations in the final report, even if taken as true and correct in their entirety, do not make out the ingredients of the offences under Sections 420, 465, 468, 471 and 511 read with Section 34 IPC against the petitioner. There is no material to connect him with the alleged offences, and continuation of the proceedings against him would amount to abuse of the process of Court. This is a fit case for exercise of the powers under Section 528 BNSS.

20. In the result, this Criminal Original Petition is allowed, and the proceedings against the Petitioner / Accused No.2 in C.C.No.609

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of 2020, on the file of the XVI Metropolitan Magistrate Court, Geor Town, Chennai, are quashed. As the petitioner is the only accused against whom the case is pending, C.C.No.609 of 2020 stands closed. Consequently, connected miscellaneous petition is also closed.

30-10-2026

Index : Yes / No
Internet : Yes / No.
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To

1. The XVI Metropolitan Magistrate Court, George Town, Chennai.
2. The Inspector of Police, N-1, Royapuram Police Station, Chennai.
3. The Public Prosecutor, High Court, Madras.

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M.NIRMAL KUMAR , J.

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Pre-Delivery Order made in

CRL OP No. 7608 of 2026

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