

IN THE COURT OF JUDICIAL MAGISTRATE NO.I, CHENGALPATTU**PRESENT: Tmt.V.Lavanya, M.L.,****Judicial Magistrate I, Chengalpattu.****Dated this the 20th day January of 2026****MP.No.15/2025 in CC.No.878/2022**

A.Lingam,
S/o.Adhimoolam.

. . .Petitioner/A17.

/Vs/

State of Tamil Nadu,
Inspector of Police,
Q Branch, Kancheepuram.

. . .Respondent.

ORDER

1) The petitioner is the A17 in this case. He has filed this petition praying to discharge him from this case. It is contended in the petition that the charge sheet is filed on 25.11.2022 and the case was taken on file on 01.12.2022. From the said date, there is no progress in the above case inspite of request for speedy trial. The prosecution never co-operated for the trial. After prolonged period of investigation the A17 was issued 41(a) of Cr.P.C. notice and the A17 reported before Kancheepuram CCB- Q branch on 12.04.2023 and co-operated for enquiry and also given sufficient explanation to prove that he is innocent. Thereafter, the A17 was asked to appear as witness. While so additional charge sheet was laid adding petitioner as A17. The charges has not yet been framed for A17 by this court and as such the A17 is entitled to file this discharge petition. In the statement given by the A17, it is clearly stated that he was unaware of the passport application of A2 Gunasekaran. The petitioner/A17 clearly stated in his statement that he processed the passport of his daughter and his wife through third party agency. The accused Gunasekaran approached the third party agency without the knowledge of petitioner/A17 and applied passport misusing the number of the petitioner/A17. No bank transactions was initiated from the account of petitioner/A17 for the passport applied by the accused Gunasekaran. The statements given by the postal and police officials are false and contradictory. The statements of witnesses are not supported by evidence. There are more than 240 witnesses in this case and the prosecution is not capable to produce witness and always gets long adjournment. The trial will take prolonged period of time and the petitioner/A17 will be put

to irreparable loss. The prosecution is filing vexatious petitions with motive to delay the trial. The contents in the final report and the material of record does not reveal any ingredients for the commission of alleged offence by the petitioner/A17. On the above grounds, the petitioner/A17 prayed to discharge him.

2) The prosecution filed counter stating that the allegations in the petition filed by the petitioner/A17 are false. The petitioner/A17 is an Indian national. He had come into contact with Srilankan national A2 who is notorious drug King Pin and an interpol red notice is pending against him. In 2018, the petitioner/A17 helped A2 for arranging for his daughter's marriage function. The relatives of A2 stayed in the hostel owned by the relatives of petitioner/A17 during marriage. The petitioner/A17 and A2 developed their relationship and in the year 2018 they became business partners. The petitioner/A17 and his wife attended the wedding of A3 who is the son of A2 at Srilanka. The petitioner/A17 had helped A2 Gunasekaran to become state wise president of public relations wing in Democratic party of India, wherein the petitioner/A17 was an office bearer. The A2 and his family stayed at the residence of petitioner/A17 and the address of petitioner/A17 is used to obtain Indian Adhar Card and Indian Passport for A2. The A3 was also staying along with his wife in the residence of petitioner/A17. The petitioner/A17 conspired with A2 and helped him obtain Indian Adhar card to open bank accounts and to obtain Indian Passport. The passport of A2 was obtained using the same user id used for obtaining passport of petitioner/A17's family members. The passport of A2 was delivered through post at the residence of petitioner/A17. The charge is framed against accused petitioner/A17 on 21.12.2023 and the case is now in the stage of witness and as such this petition is not maintainable. Once the charges is framed the trial should be proceeded. The petitioner/A17's role is clearly mentioned in the 161 Cr.P.C. statements and the reliability and relevancy of the same can be assessed only during trial. The claim of the petitioner/A17 that he was called as witness and later added as accused is a matter of trial. The police have acted in good faith with in their powers and acted in impartial manner. In support of the above contention, the prosecution relied on the following judgments,

- i) Directorate of Revenue Intelligence Vs Raj Kumar Arora,
- ii) Vikas Asthana Vs State of U.P. Thiru.Prin.Secy.Home Lko and another,
- iii) Ajaib Singh Vs State of Punjab and another.

The materials on record and statement of witnesses established sufficient grounds for proceeding against the petitioner/A17. On the above grounds, the prosecution prays to dismiss this petition.

3) Heard both.

4) On perusal of records, it is seen that as against petitioner/A17 charges are already framed on 21.12.2023. The petitioner/A17 did not choose to file the discharge petition at the earlier stage before framing of charges. He has come up with this petition after two years from framing of charges. This court can discharge the petitioner/A17 before framing charges, only if it considers that the allegations in final report are groundless. In this case, this court after considering the materials on record had framed various charges against the petitioner/A17 on 21.12.2023. The court cannot go into the probative value of the facts stated in the final report at the time of framing charges. If the materials on record submitted by the prosecution on their face value has ground for presuming that the offence could have been committed, then charges will be framed against the concerned accused. In this case, the 161 statements and other material on records reveals the prima facie for the alleged offences mentioned in the additional charge sheet filed as against the petitioner/A17. In such circumstances, this petition filed by the petitioner/A17 after framing of charges is not maintainable and deserves to be dismissed.

In view of the above stated reasons, this petition is dismissed.

Dated this the 20th day of January 2026.

Judicial Magistrate No.I,
Chengalpattu.

