

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.03.2015

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THE HONOURABLE MR.JUSTICE R.S. RAMANATHAN

Crl.O.P.No.5119 of 2015

&

M.P.No.1 of 2015

1.G.Thangaraj
2.T.Suganthi

... Petitioners

Vs.

State by Inspector of Police,
CBCID, Salem,
Salem District.

.... Respondent

Prayer : Petition filed under Section 482 of the Code of Criminal Procedure praying to call for the records of the F.I.R. registered in Cr.No.30 of 2008 which is being further investigated by the Inspector of Police, CBCID, Salem, and quash the same.

For Petitioners : Mr.K.Ravi Anantha Padmanaban
For Respondents : Mr.M.Maharaja,
Additional Public Prosecutor

ORDER

Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor for the respondent.

2. This petition is filed to quash the FIR in Crime No.30 of 2008 on the file of the first respondent. Though the learned counsel for the petitioners submitted that they got the materials obtained through Right to Information Act to substantiate that the petitioners have not committed any offence, I am unable to accept the contention of the learned counsel for the petitioners.

3. Admittedly, the second petitioner has filed Crl.O.P.No.6484 of 2009 for quashing the FIR in Crime No.30 of 2008 and on 08.02.2010, when the matter was kept pending, the first respondent-police was directed to adopt the modes known to law to receive the signature of the first respondent for comparison of the same with that of the Authority who is said to have issued the Ward's Certificate and forward the specimen signature for examination by the Handwriting Expert and the second petitioner, as against the order dated 08.02.2010 in Crl.O.P.No.6484 of 2009, has filed the Special Leave Petition (Crl.P No.2335 of 2010 and that was dismissed. Thereafter, the second petitioner made an endorsement before this Court stating that they may be permitted to withdraw Crl.O.P.No.6484 of 2009 as infructuous. On that basis, Crl.O.P.No.6484 of 2009 was dismissed as infructuous.

4.It is submitted by the learned counsel for the petitioners that in the mean time, it was represented by the learned Additional Public Prosecutor that charge sheet was filed and on that basis she made an endorsement and now it is made clear that the charge sheet was filed and later on, withdrawn by the police and the same is yet to be filed. Hence, notwithstanding the earlier order of dismissal, he has also submitted that having regard to the materials now produced by him, the matter may be heard and the Criminal Original Petition may be allowed.

5.The sum and substance of the arguments of the learned counsel for the petitioners is that the case of the prosecution was that she has produced the forged Certificate at the time of interview and the Certificate was not in the original form and therefore, the second petitioner has committed forgery.

6.According to me, in any application for quashing the FIR, I am not going into the factual aspect whether the Certificate is forged or not. It is seen from the FIR that a case has been registered on the complaint given by the de facto complainant stating that the second petitioner has produced the forged certificate but for the forged certificate, she would not have considered for selection. It is also seen from the typed set of papers filed by the petitioners that witnesses were already examined. It is submitted by the learned Additional Public Prosecutor that they are going to file charge sheet within a short period.

7.Hence, at this stage, I do not want to make any observation regarding the merits of the case and the petition cannot be entertained at this stage. Accordingly, the Criminal Original Petition is dismissed with liberty to the petitioner to challenge the charge sheet, if so advised. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Inspector of Police,
CBCID, Salem,
Salem District.

2. The Public Prosecutor,
High Court Buildings,
Chennai.

1 cc to Mr.K.Ravi Anantha Padmanaban ,Advocate, SR.No.17674

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