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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 23.06.2015

CORAM:

THE HONOURABLE Mr. JUSTICE M.M. SUNDRESH

Crl.O.P. (MD) No.2983 of 2013

and

M.P. (MD) Nos.1 and 2 of 2013

R.Srinivasan

... Petitioner

Vs.

1.The Sub Inspector of Police,
Fort Police Station,
Trichy.

2.Suseela Rangarajan

... Respondents

Prayer: The Criminal Original Petition is filed under Section 482 of Cr.P.C., to stay all further proceedings pursuant to FIR No.1368/2012 dated 16.09.2012 on the file of the 1st respondent Police pending disposal of the Criminal Original Petition.

For Petitioner : Mr.R.Shanmugasundaram

For Respondents : Mrs.S.Prabha, G.A.(Crl.side) for R1

Mr.V.Paneerselvam for R2

O R D E R

This Criminal Original Petition has been filed to stay all further proceedings pursuant to FIR No.1368/2012 dated 16.09.2012 on the file of the 1st respondent Police pending disposal of the Criminal Original Petition. The petitioner has been arrayed as A2 for the alleged offences under Sections 468 and 420 IPC in Crime No.1368 of 2012.

2.The allegation against the petitioner is as follows:

The de facto complainant namely, the respondent No.3 is a member of E.R.Higher Secondary School Society, Trichy. She was also elected as a Secretary earlier. An Extraordinary General Body meeting was convened on 12.07.2009. Though she has not attended the meeting, by forging her signature, a record has been created, as if, she has attended the said meeting.

3.In the General Body Meeting an authorization has said to have been given by one Mr.Srinivasan, who was the President of the Society from 1996. Based upon the alleged authorization said to have been given by him, on 08.07.2009, recognizing of 5 members have admitted and 7 members have been added afresh of which, the petitioner was one of them. Incidentally, the petitioner has elected as a Treasurer alleging that his signature has been forged. A complaint was given by the said Srinivasan.



4.The learned Senior Counsel appearing for the petitioner submitted that there is an unexplained delay in giving the complaint. The respondent No.2 has taken part in his subsequent proceedings. There is a finding given by the Registrar of Societies, with respect to the same complaint as the entire allegation is of a civil in nature. The report of the Forensic Department is said to have emanated from the school authorities and therefore, no reliance can be made. Therefore, the complaint will have to be quashed. Especially when the fate of the earlier complaint given by the said Srinivasan is not known.

5.Per contra, the learned counsel appearing for the respondent No.2 and the learned Government Advocate (Crl.side) appearing for the respondent No.1 submitted that investigation is at crucial stage. The report of the Forensic Department shows that the respondent No.2 has not signed in the alleged document said to have been signed by her. There is no connection between the proceedings of the Registrar of Societies and the investigation pending with the respondents Nos.1 and 2. The respondent No.2 has been pursuing the matter diligently only on her request, the report has been given. Thereafter, she proceeded to give the complaint. As she was not aware of the happening, since she has not attended the meeting and that is the reason why she could proceed immediately.

6.The jurisdiction of this Court under Section 482 of Cr.P.C., is well known. The complaint as such will have to be taken as a whole. Unless this Court finds any perversity or it being vexatious, an interference is not required. The order passed by the Registrar of Societies does not deal in specific terms of the alleged forgery. The scope is also different. The findings thereunder are also not specific. Even otherwise, they do not stand as a bar for the respondent Nos.1 and 2 to proceed with the investigation. As of now a report dated 10.07.2012 of Forensics Science Department is available, the respondent No.2 has been agitating the matter to different forum. The question as to whether the petitioner has committed the offence or not is a matter for investigation. Therefore, this Court does not find any occasion to exercise the jurisdiction under Section 482 of Cr.P.C.

7.Accordingly, the petition stands dismissed. Consequently, connectgd M.Ps.are closed. Considering the fact that the complaint is pending for quite some time and though the typed set filed by the learned Government Advocate (Crl.side) indicates certain progress made in the investigation, this Court deems it fit to direct the 1st respondent to complete the investigation and file a final report within a period of 6 weeks from the date of receipt of a copy of this order.

8.It is made clear that under the name of investigation, the 1st respondent shall not harass the other members unnecessarily. However, it is also made clear that all the parties will have to



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extend their fullest cooperation for completion of the investigation.

Sd/-
Assistant Registrar(R)

/True Copy/

Sub-Assistant Registrar

To

1.The Sub Inspector of Police,
Fort Police Station,
Trichy.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+One cc to M/s.M.Suresh Kumar, Advocate, SR.No.33382

+One cc to M/s.V.Panneer Selvmam, Advocate, SR.No.33226

nbg
RL/5c- 24/7/2015

Cr1.O.P (MD) No.2983 of 2013

23.06.2015