

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 13.03.2017
CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Cr1.O.P.No.26304 of 2016
and Cr1.M.P.No.13104 of 2016

Elavarasan

[Petitioner]

Vs

1.State rep. by
The Inspector of Police,
Thirunallar Police Station,
Thirunallar,
Karaikal District, Pondicherry.
(Cr.No.128 of 2016)

2.N.Ravichandran

[Respondents]

Petition filed under Section 482 of the Criminal Procedure Code, to call for the records and quash the FIR in Crime No.128 of 2016 registered for the alleged offences under Section 468 and 471 of IPC on the file of the respondent.

For Petitioner : Mr.Ilanthiraiyan
for M/s.Sai Bharat & Ilan
For R1 : Mr.V.Balamurugane
Additional Public Prosecutor (Pondy)

O R D E R

This petition has been filed to call for the records and quash the FIR in Crime No.128 of 2016 registered for the alleged offences under Section 468 and 471 of IPC on the file of the respondent.

2.An allegation was levelled against the petitioner that the petitioner's birth certificate is not a genuine one and the same was fabricated so as to avail all Government facilities provided to a person belonging to Pondicherry. Upon receipt of the said complaint, the second respondent proceeded with an enquiry and found that the registration number available in the birth certificate is not genuine which was originally given to one Andjammalle. Upon satisfaction with all the relevant materials,

the Deputy Tahsildar proceeded with the matter and intimated the Inspector of Police to initiate appropriate legal action against the petitioner, pursuant to which, a case was registered in Crime No.128 of 2016. Against the same, the present Criminal Original Petition came to be filed.

3.Learned counsel for the petitioner mainly contended that the original birth certificate came to be issued by the authorities during 1998 and thereafter periodically the same was placed before various authorities and without causing any objections, the Government granted all the benefits and only in the year 2016, the Village Administrative Officer under the direction of the Deputy Tahsildar conducted an enquiry. The Village Administrative Officer claimed that he ascertained certain facts from the neighbours of the petitioner and without any proper documentary evidence so as to claim that the certificate produced by the petitioner was a fabricated one filed a report, on which basis, the first respondent lodged a complaint which came to be registered in Crime No.128 of 2016 under Sections 468 and 471 of IPC. He would also contend that after a long delay of 18 years, the alleged complaint came to be registered without any rhyme or reason and even at the time of registering the complaint, no original document relating to Registration No.775 was placed before the Officer which also sufficiently enough to conclude that without adequate reason, the complaint came to be registered against the petitioner. Hence, he prayed to quash the FIR.

4.The learned Additional Public Prosecutor (Pondy) has filed a counter affidavit, wherein it is stated that the de-facto complainant had handed over the relevant documents in support of his averments in the complaint. It is also stated that during the course of investigation, certain particulars were requested from the Commissioner, Karaikal Municipality, Karaikal and the Tahsildar Office, Revenue Department, Thirunallar and based on the particulars, reports and documents, the matter was proceeded with. It is further stated that the petitioner/accused had obtained anticipatory bail from this Court on 26.10.2016. It is also stated that the petitioner had misused his official capacity and forged the document of birth in his name in the official record of the Karaikal Municipality which is evident from the proof of parallel record maintained at the office of the Special District Registrar/Additional District Court, Karaikal showing that the birth certificate submitted by the petitioner in Registration No.775 stands in the name of one Andjammalle. The learned Additional Public Prosecutor would further submit that after thorough investigation, it is found that the birth certificate submitted by the petitioner is a fabricated one and before registering the complaint, all the documentary evidences were verified properly. Therefore, he pleaded dismissal of the present Criminal Original Petition.

5.I have considered the rival submissions carefully and after perusal of all the documents as well as the counter affidavit, this Court finds that the investigation is at the preliminary level which is to be concluded only upon verification of all the documentary evidences. Hence it is appropriate to issue a direction to the petitioner to co-operate with the enquiry before the first respondent which shall be concluded only on the basis of the original records as well as thorough investigation on the same. Further, the certificate which is claimed to be issued to Andjammalle vide Registration No.775 is also to be verified properly. Such exercise shall be completed as expeditiously as possible and thereafter, the matter be proceeded in accordance with law.

6.With the above direction, the Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar(CSvI)

True Copy

Sub-Assistant Registrar

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To

1.The Inspector of Police,
Thirunallar Police Station,
Thirunallar,
Karaikal District, Pondicherry.

2.The Public Prosecutor,
Madras High Court,
Chennai-600 104.

+1 cc to M/s.Sai Bharath & Ilan Advocate sr 15713
+1 cc to Government Pleader sr 16229

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