



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.07.2017

CORAM :

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.OP. (MD) No.8240 of 2017

and

CRL.MP. (MD) Nos.5567 and 5568 of 2017

1. Jegajothi,
Ex-panchayat President,
M.Pudupatti Panchayat,
Musiri Taluk,
Trichy District.

2. Mahalakshmi,
Village Administrative Officer,
M.Pudupatti Panchayat,
Musiri Taluk,
Trichy District.

... Petitioners/Accused Nos. 3 & 4

Vs.

Gurusamy

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Article 482 of the Criminal Procedure Code, praying this Court to call for the records pertaining to the Private Complaint in C.M.P.No.6982 of 2015 on the file of the Judicial Magistrate, Musiri and to quash the same as illegal.

For Petitioners : Mr.S.Karthick Subramanian.

For Respondent : Mr.K.Anbarasan,
Government Advocate (Crl.Side).**ORDER**

This Criminal Original Petition has been filed by the petitioners, to call for the records pertaining to the Private Complaint in C.M.P.No.6982 of 2015, on the file of the Judicial Magistrate, Musiri and to quash the same as illegal.

2.Heard Mr.S.Karthick Subramanian, learned counsel appearing for the petitioners and Mr.K.Anbarasan, learned Government Advocate (Crl.Side) appearing for the respondent.



3.The complaint clearly makes out a case against the Petitioners, who are officers of the State Government. It is not in dispute that the de-facto complaint is the owner and title-holder of the property in dispute. However, the allegations is that forged property tax assessment receipts were issued in the name of one Thirumalai, son of Anumanthan. Since the House Tax Assessment Receipt has been forged and issued to defeat the rights of the lawful owner, a case has been registered. Prima facie case is made out from the complaint for the commission of offence under the Indian Penal Code and the Petitioners have not made out any special circumstances to quash the private complaint lodged against the Petitioners.

4.Accordingly, the Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petitions are dismissed.

5.However, the learned counsel for the Petitioners requested this Court to dispense with the appearance of the Petitioners before the Court below, as they are holding official posts in the state Government and considering the said request and the nature of allegations levelled against them, the presence of the Petitioners before the Court below is dispensed with for the present. However they shall appear as and when required by the learned Judicial Magistrate.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate,
Musiri.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/S. S.KARTHICK SUBRAMANIAN, Advocate, SR.No.63195.

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