



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 30/09/2019

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PRESENT

The Hon'ble **Mr.Justice G.R.SWAMINATHAN**

CRL OP(MD). No.5209 of 2015
and
M.P(MD).Nos.1,2 and 3 of 2015

1. Raju
2. R.Ashok

... Petitioners/Accused 2 & 3

Vs

1. The Inspector of Police,
Central Crime Branch,
Madurai City, Madurai - 625 007.
(Crime No. 71 of 2005).

2. Ganesan

... Respondents/Complainant/
Defacto Complainant

For Petitioners : Mr.G.Aravinthan,
for Ms.P. Jessi Jeeva Priya
For Respondents : Mr.A.Robinson (for R1)
Government Advocate (Crl.Side)
No appearance (for R2)

PRAYER :-Petition is filed under Section 482 Cr.P.C to call for the records relating to the proceedings in C.C.No.121 of 2007 on the file of the Judicial Magistrate No.1, Madurai, and to quash the same.

ORDER

The petitioners herein are figuring as A2 and A3 in CC.No.121 of 2007 on the file of Judicial Magistrate I, Madurai. The defacto complainant is one Ganesan. He is none other than the brother of first petitioner Raju. He lodged information before the Inspector of Police, Central Crime Branch, Madurai City, to the effect that the signature of their father Late.Ramasamy was forged in Application No.281 of 2005 submitted to TNEB authority. It is not in dispute that Ramasamy died way back in the year 1991. The Police investigated the complaint and filed final report against Murugesan and the petitioners herein. Since the signature of a dead person



has been forged, I am of the view that the contentions put forth by the petitioners herein will have to be necessarily established only in a regular trial. The submissions of the petitioner are not sufficient for invoking the inherent power of this Court for quashing the impugned proceedings. In this view of the matter, leaving open all the petitioners' contentions and defences, the Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petitions are closed.

2. However, the learned trial Magistrate shall insist on the personal appearance of the petitioners only when it is absolutely necessary and imperative. The petitioners shall be called upon to appear in person before the trial Court at the time of answering the charges and at the time of examination under Section 313 of Cr.P.C., and at the time of pronouncement of Judgment. On all other occasions, the petitioners can be represented through his counsel.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Judicial Magistrate No.1,
Madurai.
2. The Inspector of Police,
Central Crime Branch, Madurai City,
Madurai - 625 007.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.P. JESSI JEEVA PRIYA, Advocate (SR-90599[F] dated 01/10/2019)

+1 CC to Mr.S.RAMU, Advocate (SR-91160[F] dated 03/10/2019)

ORDER IN
CRL OP(MD) No.5209 of 2015
Date : 30/09/2019

rmk

VB(18.10.2019) 2P 6C