



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 13.11.2018

Coram:
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Cr1.O.P (MD) .No.17225 of 2018

WEB COPY

A. Asokan .. Petitioner / Accused 2

-Vs-

1.The Inspector of Police,
Vigilance and Anti Corruption,
Dindigul.1st Respondent/Complainant

2.A. John Lopez2nd Respondent/Defacto Complainant

Prayer: This Criminal Original Petition is filed under Section 482 C.P.C to quash the FIR in Crime No. 3 of 2018, pending on the file of 1st respondent Police.

For Petitioner	: Mr. Chandra Sekar
For 1 st Respondent	: Mr. K.K. Ramakrishnan
For 2 nd Respondent	: No appearance

ORDER

This Criminal Original Petition is filed to quash the FIR registered against the petitioner by the first respondent Police, in Crime No. 3 of 2018, dated 11.05.2018.

2. The learned counsel appearing for the petitioner would submit that while the petitioner was working as a Tashildar at Batlagundu, Nilakottai Taluk, Dindigul District in the year 2009, he received a communication from the Department of Communication and Information Technology (Ministry of Communication and Information Technology), Government of India, New Delhi to verify, the Caste Certificate issued in the year 1986. Based on the letter received from the Central Government, the petitioner verified all the documents and sent a reply to the concerned Department stating that the Caste Certificate issued in the year 1986 by the then Tashildar is genuine. In such circumstances, the second respondent / defacto complainant lodged a complaint in the year 2018 before the first respondent police against the petitioner stating that the petitioner, without verifying the records, confirmed the genuineness of the Caste Certificate issued by the then Thasildar, viz., P. Ramamurthy. The first respondent has registered First Information Report and now, the investigation is pending. He would further submit that based on the letter received from the Central Government, the petitioner, who is an authority, sent a reply stating that all the documents issued in the year 1986 are genuine. He further contended that even without conducting the preliminary



enquiry, the first respondent has registered First Information Report, based on the complaint lodged by the defacto complainant. Therefore, First Information Report against the petitioner is liable to be quashed.

3. The learned Additional Public Prosecutor appearing for the first respondent filed counter affidavit and submitted that the certificate issued in the year 1986 must be verified only by the Revenue Divisional Officer and not by the Tahsildar. He would further submit that as the petitioner, who is working as a Tahsildar has issued the certificate dated 12.06.2009, without any authority, the First Information Report has been registered against him and the investigation is in preliminary stage.

4. I have heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the first respondent and perused the materials available on record.

5. On a perusal of the records, it is seen that only based on the letter received from the Central Government dated 18.05.2009, the petitioner has sent a reply on 12.06.2009. Now, the question is whether the petitioner has got authority or not?. The certificate issued is genuine or not can be decided only after investigation and not at this stage. Hence, his Court is of the view that there is prima facie allegations against the revision petitioner and there is no ground to quash the First Information Report.

6. In the result, this Criminal Original Petition is dismissed.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar(CS-II)

To

1.The Inspector of Police,
Vigilance and Anti Corruption, Dindigul

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

+3CC to Mr.V.KARTHIKEYAN, Advocate, SR.No.94929

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TRP