

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2019

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.NOS.3778 TO 3780 OF 2014

AND

CRL.O.P.NO.3783 OF 2014

AND

CRL.O.P.NO.28050 OF 2014

AND

CRL.MP.NOS.1,1,1,1 & 1 OF 2014

1. N.Muthulingam,
2. M.Nalini,
3. N.Amirthammal

.....Petitioners in
(Crl.O.P.No.3778 of 2014)

1. M.Nalini
2. N.Muthulingam,

.....Petitioner No.1 & 2 in Crl.OP.No.3779,
3780, 3783 & 28050 of 2014)

3. N.Amirthammal

... Petitioner No.3 in Crl.OP.2780 of 2014

Vs.

1. The State,
Rep. by the Inspector of Police,
Kalambur Police Station,
Thiruvannamalai District.

... R1 in Crl.OP.No.3778 of 2014,
3780 of 2014, 3783 of 2014

1. The State,
Rep.By The Inspector of Police,
Polur Police Station,
Tiruvannamalai District.

... R1 in Crl.OP.No.3779 of 2014

1. The State,
Rep.By The Inspector of Police,
Arani Town Police Station,
Thiruvannamalai District

.. R1 in Crl.OP.28050 of 2014

2. E.Lakshmanan,

... R2 in all Crl.OPs

PRAYER:

Criminal Original Petitions filed under Section 482 of Cr.P.C., to call for the records relating to the FIRs in Crime Nos.372 of 2012, 297 of 2013, 189 of 2013, 378 of 2013 and 518 of 2013 pending investigation on the file of the first respondent police.

In all Petitions:

For Petitioner : Mr.J.Ashok (In all Petitions)

For Respondent-1 : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

For Respondent-2 :M/s.Pari Gopal

COMMON ORDER

Since the petitioners in all the Criminal Original petitions are one and same and all the petitions herein have been filed seeking to quash the F.I.Rs in Crime Nos. 372 of 2012, 189 of 2013, 297 of 2013, 378 of 2013 and 518 of 2013 filed against them respectively on the file of the first respondent Police, these Criminal Original Petitions are disposed of by this Common Order.

2. The learned counsel for the petitioner would submit that the petitioners are family members who have been arrayed A1 to A3 and A1 & A2 in the aforesaid cases respectively. On false complaints of the Second respondent, the first respondent has registered the F.I.Rs. in the aforesaid Crime nos under Sections 420, 468, 471 of I.P.C. He would further submit that the petitioners are the trustees of Sri Ragavendira Educational health and Environmental Trust. In terms of the aforesaid Trust, the petitioners constructed School premises and are running the Schools in the name and style of (i) Sri Ragavendira Nursery and Primary School and (ii) Sri Ragavendira Matric Higher Secondary School in the purchased property by virtue of a Registered sale deed dated 02.02.2001 vide Document No.298 of 2001 after obtaining recognition from the competent authorities. It is also further stated that the defacto-complainant who is the husband of one faculty working in the school managed by the petitioners' Trust, had dispute with his wife. In the light of the family dispute between the second respondent/the husband and wife, divorce proceeding is pending before the Court below. Under this circumstances, the second respondent sought for help of the petitioners to drive away his wife and his children from his residential property since the property has to be sold for his own purpose. In this regard, the petitioners did not agree to

his request. The petitioners were threatened to pay a large sum to the second respondent otherwise, those will be implicated in false cases. Since the petitioners did not heed to his threatening, the second respondent has lodged complaints against the petitioners for the offence under Sections 420, 468, 471 of I.P.C. on the file of the first respondent. The first respondent did not take any action against the petitioners. Therefore, the second respondent has filed petitions under Section 156(3) of Cr.P.C. before the Judicial Magistrate, Arani arraying the petitioners as the respondents thereby the first respondent has been directed to file a report on the complaint of the second respondent. In view of the order of the Court below, the first respondent has registered the case against the petitioners in the aforesaid Crime nos. The second respondent has lodged three set of allegations and registered the cases as if having different cause of action in different department wherein the petitioners have used fabricated documents as having obtained recognition and approval from competent authorities. He also further submitted that the complaints in all the aforesaid crime nos are the same set of allegations. Hence, he sought for to quash the entire proceedings of all the crime nos registered against the petitioners.

3. On the other hand, the learned counsel for the second respondent after filing counter affidavit would submit that the petitioners/accused has created fabricated documents with various dates and different jurisdiction as having been obtained recognition and approval from competent authorities for running the schools. The Second respondent has authentic proof of documents to establish the truth, in which the petitioners/accused committed perpetrating activities towards the authority concerned in order to get approval and recognition from competent authorities. Despite the second respondent/complainant placed the authentic proof of documents before the first respondent, no actions was taken in this regard. Hence, the second respondent preferred an application under Section 156 (3) before the Judicial Magistrate, Arani Tiruvannamalai District and subsequently, Judicial Magistrate, Polur, Tiruvannamalai District. In view of the orders passed by the Judicial Magistrates, the aforesaid crime nos were registered against the petitioners on the file of the first respondent. The petitioners has disguised the authorities by fabricating the documents to obtain recognition of their schools. In this regard, the Executive Officer, Town Panchayat, Kalambur, has sent a official letter in reference No.Na.Ka.727/2013 dated 20.01.2014 to the District Educational elementary officer, clearly emphasizing that, the present school in the name of Shri Ragavendra Nursery and Primary School being run by the petitioners/accused in the reference No.Mu.Mo. 1915/A1/2011 dated 18.04.2011 has already elapsed the recognition for the

period from 25.01.2011 to 24.01.2014 and even after elapsed the period of recognition, the schools remain functioning by the petitioners/accused by violating the norms and conditions of the Government. In view of that , the Executive Officer, Town Panchayat Kalambur, has sent a official letter in reference Na.Ka. No.727/2013 dated 16.06.2014 to the Tashildhar, Polur, seeking to close the school which has been run by the trustees without obtaining recognition and approval from the authority concerned. On the basis of the official information received by the petitioners/accused, the school was closed and 600 students studying there were relocated to some other school. Apart from that, the erstwhile Executive Officer, Kalambur in his letter dated 01.09.2016 to the present Executive Officer, Kalambur has stated that while in his tenure of service from 12.02.2004 to 23.07.2006, the petitioners/accused themselves have made forged documents using fake official seal and his signature as if the school was granted recognition and approval to run the school in the name of Sri Ragavendra Nursery and Primary School. In this regard, a complaint was lodged by the erstwhile Executive officer against the petitioners before the first respondent. Under this circumstances, the petitioners has approached this Court by mis-representing the factual aspect of the case. Therefore, the learned counsel for the second respondent prays this court to quash the all the petitions filed by the petitioners.

4. Heard, the learned counsel appearing for the petitioners, the learned Additional Public Prosecutor appearing for the first respondent and the learned counsel appearing for the second respondent as well as perused the documents on record.

5. It is admitted fact that the second respondent has preferred complaint under Section 156(3) before the Courts below and the first respondent registered the case in the Crime Nos. (i) 372 of 2017, (ii) 189 of 2013, (iii) 282 of 2016 (iv) 378 of 2013 (v) 518 of 2013 and (vi) 297 of 2013 as against the petitioners. The counsel for the second respondent has fairly submitted that on the direction issued by the Judicial Magistrate, under Section 156(3), the first respondent has registered the case in the aforesaid crime nos. for the offence under Sections 420, 468, 471 of I.P.C since the petitioners have made forgery documents as if obtaining recognition and approval from the authorities concerned for the purpose of functioning of the school. The petitioners have violated the norms and conditions to establish the school in the name Shri Ragavendra Nursery and Primary School. Further, the allegation of the second respondent that that the construction of the School premises has not been approved by the authority concerned.

6. On perusal of the record, it is seen that the land purchased by the petitioners even in the year 2001 by registered sale deed dated 02.02.2001 vide document no.298 of 2001, the petitioner has obtained permission for construction of School premises thereafter. Further, the authority concerned neither made the aforesaid allegation nor registered the complaints in the aforesaid Crime nos before the first respondent whereas the second respondent who is none other than the husband of a faculty working in the said school managed by the petitioners, has made these allegation and filed complaints in the aforesaid crime nos. Hence, the allegations in the complaint do not make out any prima facie case, as the complaints have not been registered by the authority concerned and the second respondent has made complaint due to dispute with his wife and the petitioners for not heeding his request.

7. Resultantly, the F.I.R.s are clearly abuse of process of law. Therefore, the Criminal Original petitions are allowed, and the proceedings in the crime Nos. 372 of 2012, 189 of 2013, 297 of 2013, 378 of 2013 and 518 of 2013 shall stand quashed. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(Insp.Cell)

//True Copy//

Sub Assistant Registrar

lbm

To:

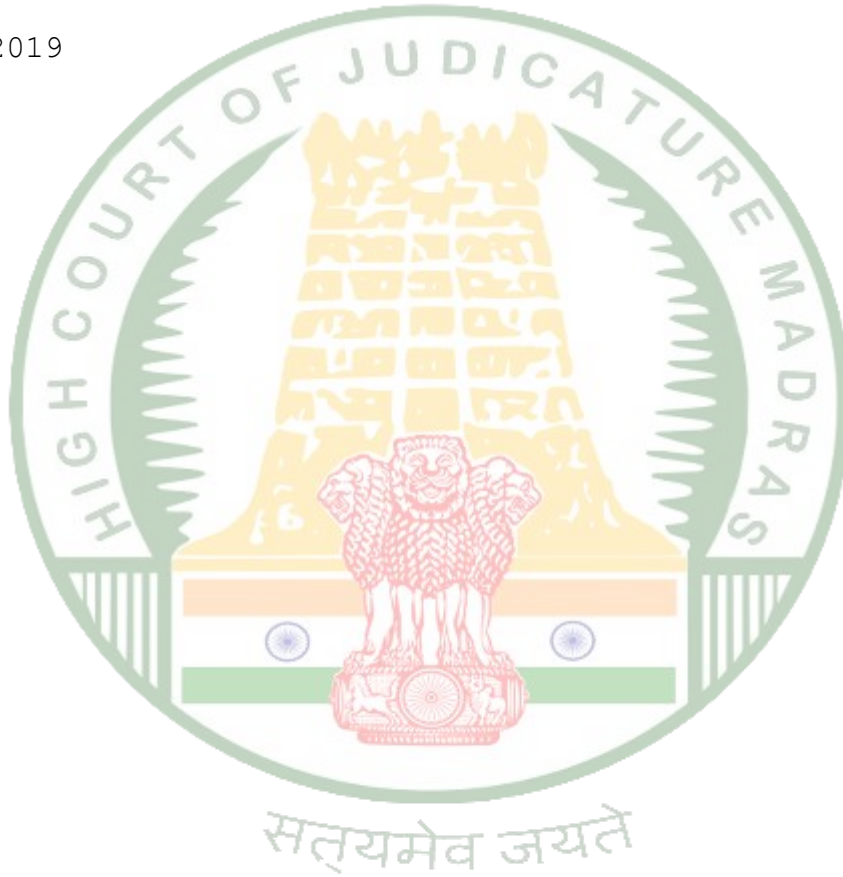
1. The Inspector of Police,
Kalambur Police Station,
Thiruvannamalai District.
2. The Inspector of Police,
Polur Police Station,
Thiruvannamalai District.
3. The Inspector of Police,
Arani Town Police Station,
Thiruvannamalai District.

4. The Public Prosecutor,
High Court, Chennai.

+lcc to Mr.J.Ashok, Advocate, S.R.No.27346

CRL.O.P.Nos.3778 to 3780 of 2014
and Crl.O.P.No.3783 of 2014 and
Crl.O.P.No.28050 of 2014
and
CRL.MP.Nos.1,1,1,1 & 1 of 2014

EV(CO)
CS/04/06/2019



WEB COPY