



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.09.2019

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.(MD)No.20389 of 2018

and

Crl.M.P(MD) Nos.5770,9398 and 9399 of 2018

Lalitha Kalarathinam

... Petitioner / Accused

Vs

Selvi

... Respondent/ Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records relating to the proceedings of impugned private complaint in C.C.No.269 of 2009 on the file of the learned Judicial Magistrate No.I, Ramanathapuram and quash the same.

For Petitioner : Mr.RM.Arun Swaminathan

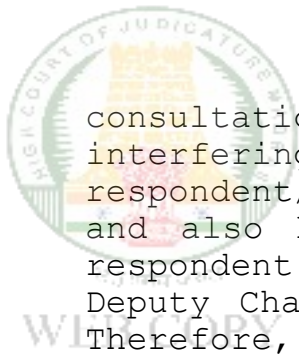
For Respondent : Mr.Ponraj

ORDER

This Criminal Original Petition has been filed to quash the impugned private complaint in C.C.No.269 of 2009 on the file of the learned Judicial Magistrate No.I, Ramanathapuram.

2. The learned counsel for the petitioner would submit that the trial court has taken cognizance without any *prima facie* materials. He would further submit that the complaint was lodged in the year 2009 and it is pending for the past 10 years and they did not take any steps to proceed with the trial. He further submitted that the signature of the defacto complainant are forged and fabricated as if the petitioner submitted resignation during his period. He further submitted that the very same proceedings were challenged by way of writ petition in W.P(MD)No.2323 of 2010 and this Court has dismissed the said writ petition.

3. The learned counsel for the respondent would submit that the respondent was elected member of the 7th Ward of Municipality in the year 2009 to 2014. Thereafter, one Lalithakalarathinam was elected as Chairman of said Municipality. After the election the petitioner has got signature from all the ward members in blank head leaf papers also from the respondent. He further submitted that the petitioner/accused has acted based on the instigation and

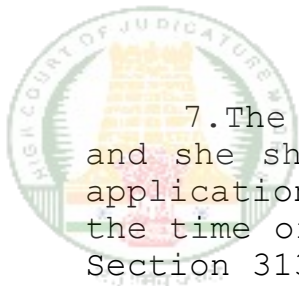


consultation with the husband of the petitioner who is illegally interfering in the process of the said Municipality. Therefore the respondent/defacto complainant along with other members objected and also brought no confident motion against the petitioner and respondent voted against the petitioner. In the mean time, the Deputy Chairman of the Municipality of Ramanthapuram passed away. Therefore, on 02.01.2009 chairman election was conducted for the vacant post and in the said election, the respondent voted against the petitioner. Therefore, utilizing the said circumstances the petitioner/accused submitted one resignation letter and the said letter was accepted and it was announced that the post of 7th ward member is vacant. The petitioner/accused misused the signature obtained from the respondent in the blank head leaf papers in the year 2009 and at that time the petitioner was elected as Chairman in the said Municipality, thereby the petitioner has created forged signature of the respondent and fabricated resignation letter against the will of the respondent and also sent the same to him as if it was sent by the respondent to the petitioner. He would further submit that on 13.02.2006 the respondent sent a detailed representation to the Tamil Nadu Election Commission and the District Collector of Ramanathapuram about the forged and fabricated documents created by the petitioner against the will of the respondent.

4. Heard Mr. RM.Arum Swaminathan learned counsel for the petitioner and Mr. Ponraj, learned counsel for the respondent.

5. During local body election for the year 2009-2014 the petitioner as well as the respondent were elected as Members of Municipality, Ramanathapuram. Thereafter the petitioner/accused was elected as Chairman in in which the defacto complainant is working as ward member. During that time the said post was vacant. Thereafter the respondent/defacto complainant moved no confidence motion against the petitioner/accused in which also the respondent voted against him. Thereafter as against the respondent/defacto complainant the petitioner/accused submitted has submitted a resignation letter as if the resignation letter was submitted by the respondent/defacto complainant. It is also seen that respondent/defacto complainant never submitted any resignation letter to resign her post. Therefore there are materials to attract the offences under Sections 415,465,468 and 471 of IPC as against the petitioner. The trial is pending for the past nine years because of the absence of both parties it is pending. Hence this Court is not inclined to quash the petition.

6.Considering the fact that the case is of the year 2009, the trial court is directed to complete the trial within a period of three months from the date of receipt of a copy of this order, without influenced by any of the observations made above.



7.The personal appearance of the petitioner is dispensed with and she shall be represented by a counsel after filing appropriate application. The petitioner shall be present before the Court at the time of furnishing of copies, framing charges, questioning under Section 313 Cr.P.C. and at the time of passing judgment.

8. In fine, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

Sub Assistant Registrar

To

The Judicial Magistrate No.I, Ramanathapuram

+1 CC to M/s.R.M.ARUN SWAMINATHAN, Advocate SR-84817 [F] dated 03/09/2019

Crl.O.P. (MD) No.20389 of 2018

and

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03.09.2019

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MS/24.09.2019/3P.3C