



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.09.2019

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THE HONOURABLE MR.JUSTICE **N.ANAND VENKATESH**

Crl.O.P.(MD)No.17159 of 2017

S. Rajaraman

... Petitioner/Complainant

Vs.

1.G. Venkatramanan

Executive Officer,
Natham Town Panchayat,
Natham, Dindigul District
Present Work at Chinalapatti,
Dindigul.

2. Nallan

Bill Collector,
Natham Town Panchayat,
Natham, Dindigul District.

3. Jiakhan

Junior Assistant,
Natham Town Panchayat,
Natham, Dindigul
Present Work at Nilakottai Town Panchayat
Dindigul.

4. Pooranathammal Alias Pooranam

5. Dhanam

6. Boomi

7. Arjunan

... Respondents /Accused

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C., to Call for the records relating to the order dated 03.05.2017 passed in Cr. M. P No. 3968 of 2015 by the District Munsif Cum Judicial Magistrate, Natham set aside the same and direct him to forward the Petition in Cr. M. P No. 3968 of 2015 on his file to the Inspector of police Natham Dindigul District as contemplated u/s. 156(3) CR.P.C.

For Petitioner

: Mr.D.Malaichamy



ORDER

This Criminal Original Petition has been filed challenging the order passed by the Court below dismissing the petition filed by the petitioner under Section 156 (3) of Cr.P.C., and to direct the respondent police to register an F.I.R. against the accused persons.

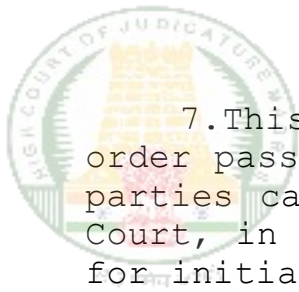
2.The grievance of the petitioner is that the dispute between the parties is now pending before the competent Civil Court and while so, the accused persons have managed to get the name transferred in the property tax and water tax documents and therefore, the accused persons are liable to be punished for the offence of forgery.

3.The Court below has dismissed the petition on the ground that the right over the property is the subject matter before the Civil Court and the allegations made in the complaint does not constitute an offence of forgery, since mere transfer to the name of A4 to A7 in the property tax and water tax records will not amount to creation of a false documents. Therefore, the Court below has found that there are absolutely no *prima facie* material to give a direction to the police to register an F.I.R. and to conduct an investigation.

4.The learned counsel for the petitioner submitted that the pendency of the civil proceedings is not a bar for the petitioner to independently initiate criminal proceedings as against the accused persons and the complaint clearly makes out a cognizable offence. The learned counsel further submitted that A1 to A3 had colluded with A4 to A7 and they have misused their official capacity and fabricated false documents and thereby enabled the property tax and water tax to be changed to the names of A4 to A7.

5.This Court has carefully considered the submissions made by the learned counsel for the petitioner and materials available on records.

6.In the considered view of this Court, the allegations made in the complaint do not constitute an offence of forgery. The allegations do not satisfy the requirement of a false document as described under Section 464 of I.P.C. If there is no false document, there is no forgery. If there is no forgery, the offences under Sections 464 and 471 of I.P.C. will not get attracted. Useful reference can be made to the judgments of this Court in ***T.Muthuramalingam Vs. Inspector of Police*** reported in **2018 (4) MLJ (Criminal) 392** and in ***Muthammal and others Vs. S.Thangam*** reported in **2019 (1) LW (Criminal) 761**.



7.This Court does not find any illegality or infirmity in the order passed by the Court below. The *inter se* dispute between the parties can be properly adjudicated only before a competent Civil Court, in which the civil dispute is pending and there is no scope for initiating criminal proceedings in that regard.

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

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

Ls

To

1.The District Munsif Cum Judicial Magistrate,
Natham, Dindigul.

2.The Inspector of Police,
Natham, Dindigul District

+1 CC to M/s.D.MALAICHAMY, Advocate (SR-87609[F] dated 19/09/2019
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