



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 29.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P (MD)No.11137 of 2020

and

Crl.M.P. (MD)No.5082 of 2020

WEB COPY

1.Susila

2.Sarathkumar

... Petitioners/A1 &A2

Vs.

1.State represented by

The Inspector of Police,
Thideer Nagar Police Station,
Madurai City.

(In Crime No.744 of 2019) ...Respondent No.1/Complainant

2.A.Alavudeen

... Respondent/Defacto Complainant

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to call for the records relating to the FIR in Crime No.744 of 2019 dated 17.12.2019 on the file of the Inspector of Police, Thideer Nagar Police Station, Madurai City and quash the same as against the petitioners.

For Petitioners : Mr.R.G.Shankar Ganesh

For R1

: Mr.V.Neelakandan,

Additional Public Prosecutor

R2

: Mr.A.Balaji

ORDER

Heard the learned counsel on either side.

2.This criminal original petition has been filed for quashing the impugned First Information Report in Crime No.744 of 2019 registered on the file of the first respondent for the offences under Sections 120(b), 406, 420, 468, 471 and 506(i) of I.P.C.

3.The petitioners' counsel would contend that the petitioners are tenants in the petition mentioned premises and that there are a number of proceedings pending between the petitioners on one side and the second respondent on the other. It appears that the premises in question have been purchased by the second respondent from the erstwhile landlord of the petitioners herein.

4.The case of the second respondent is that in the pending civil proceedings, the petitioners have filed certain documents that are rank forgeries. That is the reason for lodging the impugned FIR.



5.The learned counsel for the petitioners would state that a civil issue is being given a criminal colour out of malicious intention and to force the petitioners to vacate the property in question.

6.The question before me is whether the documents in question are genuine documents or fabricated documents. I am afraid that in exercising jurisdiction under Section 482 of Cr.P.C., the said issue cannot be gone into. Therefore, leaving open the respective rights of the parties, the criminal original petition is dismissed. I make it clear that I have not gone into the merits of the matter. The limitations on the exercise of jurisdiction under Section 482 of Cr.P.C. constrain my approach towards the issue and nothing else. The institution of the impugned prosecution against the petitioners herein will not come in the way of the petitioners from establishing their genuineness before the Civil Court. The petitioners are at liberty to independently establish their genuineness before the Civil Court. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:-

- 1.The Inspector of Police,
Thideer Nagar Police Station,
Madurai City.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P (MD) No.11137 of 2020
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