



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.03.2020

CORAM:

WEB COPY

THE HONOURABLE **DR. JUSTICE G. JAYACHANDRAN**

Crl.O.P. (MD) No.14074 of 2016
and Crl.M.P. (MD) No.6575 of 2016

P.Arunkumar

... Petitioners (A1)

Vs.

1.State through Inspector of Police,
Sivakasi Town Police Station,
Virudhunagar District.
Cr.No.498 of 2015

2.S.Suresh Kumar

3.The Inspector of Police,
District Crime Branch,
Virudhunagar District.
Cr.No.498 of 2015

... Respondents

(R3 impleaded as per order of this Court made in Crl.M.P(MD) No.8710 of 2016 in Crl.O.P.(MD)No.14074 of 2016, dated 15.09.2016.)

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the record of FIR in Cr.No.498 of 2015 on the file of the first respondent and quash the same as devoid of merits.

For Petitioner : Mr.A.Haja Mohideen

For R1& R3 : Mr.K.Suyambulinga Bharathi,
Government Advocate(Crl.side).

For R2 : Mr.A.V.Arun

ORDER

Petition filed under Section 482 of Cr.P.C., to quash the First Information Report in Cr.No.498 of 2015 on the file of the first respondent.

2.A complaint has been given by the defacto complainant alleging that his signature and his wife's signature have been forged by the petitioner herein and thereby, created two release deeds removing the defacto complainant and his wife from the partnership firm and inducting new persons in the firm and thereby, deprived their lawful right in the property and the partnership firm of the defacto complainant.

<https://hcservices.ecourts.gov.in/hcservices/>

3.According to the complainant, the defacto complainant and



the petitioner entered into partnership deed dated 10.10.1989 to carry out the business in the name and style of M/s.Vimal Fireworks Factory, Sivakasi. After the demise of the defacto complainant's father, partnership deed was re-constituted on 17.10.2013. The wife of the defacto complainant was inducted into the partnership firm. While so, it is alleged that the petitioner has colluded with others and has created fabricated documents and release deed as if executed by the defacto complainant and his wife on 03.09.2014 and 29.09.2014. It is alleged that the signature of the defacto complainant's and his wife were forged in the release deed.

4.The first respondent has registered a case in crime No.498 of 2015 for the offence under Sections 467, 468, 471, 420 IPC, pursuant to the order passed by this Court in CrI.O.P.(MD)No.17525 of 2015. The said FIR, taken up for investigation by the first respondent, is now sought to be quashed in this petition.

5.The nature of the case indicates forgery in respect of release deed. Unless and until investigation is conducted, the genuineness and otherwise of the petitioner cannot be decided. Without participating in the investigation and producing the original document of the 2 release deeds, which is the subject matter of the complaint, the petitioner wants to hide himself by filing this petition to quash and thereby, prevent the investigation.

6.When there is prima facie material for registering case and for investigation, FIR cannot be quashed. Here is a case where prima facie case has been made out in the complaint. It is the duty of the petitioner to produce all relevant documents and co-operate with the investigation. He cannot shy away from the investigation by approaching this Court. Hence, this criminal original petition is dismissed. The respondent police is directed to complete the investigation and file a final report, within a period of two months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Gns



1.The Inspector of Police,
Sivakasi Town Police Station,
Virudhunagar District.

2.The Inspector of Police,
District Crime Branch,
Virudhunagar District.

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

+1 CC to M/s.K.SURESH, Advocate (SR-12627[F] dated 20/03/2020)

+1 CC to M/s.SPL.GP (SR-12841[F] dated 23/03/2020)

Cr1.O.P.(MD)No.14074 of 2016

09.03.2020

CN(14.05.2020) 3P 6C