



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.19685 of 2021
and
Crl.MP.No.10733 of 2021

Selvakumar

... Petitioner

Versus

1. The State

Rep.by: Inspector of Police,
J-9 Thuraipakkam Police Station,
Chennai - 600 097.
(Crime No.707 of 2021)

2.D.Suganthi

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for records relating to FIR in Crime No.707 of 2021 dated 16.09.2021 on the file of the 1st respondent and quash the same.

For Petitioner : Mr.T.Muruganantham
for Mr.P.Pandiyaraj

For Respondent : Mr.R.Vinothraja
No.1 Government Advocate (Crl. Side)

For Respondent : Mr.D.Madhusudanan
No.2

ORDER

The petitioner, who is the accused in Crime No.707 of 2021 for offences under Sections 465, 468 & 471 IPC, has filed this quash petition.

2.The grievance of the petitioner is that a tenancy dispute between the petitioner and the defacto complainant / second respondent has been projected as though it is a criminal offence and FIR registered. He further submitted that the main allegation against the petitioner is that the petitioner produced a tenancy agreement dated 01.10.2011 in a civil proceedings in O.S.No.660 of 2012 and the same was found to be forged and based on that, the above case is projected.

3.He further submitted that though the forensic expert could



have given a report, the report is subject to cross examination and it has not been tested. Without testing the forensic expert report, straightaway concluding that the tenancy agreement is forged, is not proper. Further, the tenancy agreement is in the case bundle of O.S.No.660 of 2012 before the District Munsif Court, Alandur. In view of the same, the respondent police registering the FIR is not proper. The petitioner is attempted to be framed in this case. Hence, he filed the quash petition.

4.The learned counsel appearing for the defacto complainant/second respondent submits that the petitioner filed the civil suit in O.S.No.660 of 2012 not to evict him without following the due process of law. In the said civil proceedings, the petitioner has produced the tenancy agreement dated 01.10.2011 and on perusal of the same, on the face of it, it was found that the second respondent defacto complainant's signature has been forged. Thereafter, the second respondent filed I.A.No.1635 of 2012 seeking the document to be sent for expert opinion under Section 45 of the Indian Evidence Act. The same was accepted and the document was sent to the Government Forensic Laboratory, Chennai. The Forensic expert, on studying of the document, has found that the second respondent's signature has been forged and sent a report on 09.04.2015. Thereafter, not stopping with it, the petitioner, in the meanwhile, filed W.P.No.15996 of 2013 seeking extension of license without the concurrence of the landlord second respondent for citing the pendency of the civil dispute. Later, the second respondent appeared in the writ petition and explained the happenings from the year 2012. Thereafter, the petitioner, fearing exposed of making false allegation, withdrew W.P.No.15996 of 2013. The civil suit in O.S.No.660 of 2012 is also dismissed for non prosecution. Though the petitioner, on three occasions, filed the set aside petition, it was not pursued and now, as on date, there is no suit or any case pending between the petitioner and the second respondent and finding that the petitioner produced a forged document and misled the Court and thereby, attempted to obtain the order by producing forged document, thereafter FIR registered. Immediately, on registration of the FIR, the above quash petition has been filed.

5.He further submits that originally the petitioner's sister-in-law one Renuga was the tenant, thereafter, the petitioner forcibly entered into the property. Now, claiming that he is a tenant and from the year 2012, he has not even paid one rupee towards as rent.

6.The learned Government Advocate (Crl.side) submits that the case has been recently registered on 16.09.2021. The documents have to be collected. Already forensic report has been



obtained from the Government Forensic Examiner. In any event in this case, final report can be filed within a period of six months.

7. Recording the same, the criminal original petition is dismissed. Consequently, connected miscellaneous petition is closed. It is made clear that in the event of any non cooperation by the petitioner or the second respondent for obtaining the specimen signature under section 311-A, the respondent police to take action. In case of non cooperation, coercive action to be taken.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

sms

To

1. The Inspector of Police,
J-9 Thuraipakkam Police Station,
Chennai - 600 097.
2. The Public Prosecutor,
High Court, Madras.

+lcc to Mr.P.Pandiyaraj, Advocate, S.R.No.62263

CRL.O.P.No.19685 of 2021 and
Crl.MP.No.10733 of 2021

AK-II(CO)
CT 29/12/2021