

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.02.2021

CORAM

THE HON'BLE MR.JUSTICE P.N.PRAKASH
AND
THE HON'BLE MR.JUSTICE V.SIVAGNANAM

CRL.O.P.NO.26483 OF 2019
AND
CRL.M.P.NO.14187 OF 2019

C.Maran .. Petitioner/7th Accused

Vs.

The State rep. by its
Inspector of Police,
District Crime Branch,
Dharmapuri. ... Respondent/Complainant

Prayer:-

Petition filed under Section 482 Cr.P.C. to call for the records pertaining to the FIR in Crime No.3 of 2019 dated 27.08.2019 on the file of the respondent police and quash the same.

For Petitioner : Mr.A.Kripakaran

For Respondent : Mr.R.Prathap Kumar,
Addl. Public Prosecutor

ORDER

[Order of the Court was made by P.N.PRAKASH, J.]

Seeking to quash the F.I.R. in Crime No.3 of 2019 on the file of the respondent, the present criminal original petition has been filed.

2.While dismissing Crl.A.No.217 of 2016 on 28.06.2019, this Court found that some revenue officials and police officials had colluded in creating false certificates to protect the true perpetrator of the crime. In para 37 of the order dated 28.06.2019, the Division Bench has stated as follows:

"37.CWs.20,21 and 22 in dereliction of the duty for small benefits, are abettors in preparation of forged death certificate in the name of

Govindasamy. After knowing the facts and its consequences, they subsequently cancelled the death certificate."

3.C.W.22 refers to Maran, the Tahsildar concerned, who is the petitioner herein. Pursuant to the direction of the Division Bench, the police have now registered a case in Crime No.3 of 2019 on 27.08.2019 for the offence under Sections 201, 205, 419, 465, 468 and 420 IPC against nine accused including Maran (A7), for quashing which, Maran has filed the present quash petition.

4.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent.

5.Learned counsel for the petitioner submitted that Maran had issued the certificate based on the report put up by the Revenue Inspector, who worked under him. He also submitted that when Maran knew that the record was improper, he took steps to cancel the same on 30.05.2014.

6.We gave our anxious consideration to the aforesaid submission.

7.In the teeth of the specific direction of this Court dated 28.06.2019 in Crl.A. No.217 of 2016, the police have registered an F.I.R. as aforesaid. After conducting a thorough investigation, the police may drop the case against Maran, if they find that he was not involved criminally in the making of the false document. Therefore, it is too premature for this Court to interdict the police investigation and quash the F.I.R..

8.In the result, the criminal original petition stands dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

mmi

To

1. The Inspector of Police,
District Crime Branch,
Dharmapuri.

2. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.26483 of 2019

RSI (CO)
CS/15/03/2021



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