

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.03.2021

Coram

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.27790 of 2019

and

Crl.M.P.No.14799 of 2019

Kumaresan

...Petitioner/Accused No.6

Versus

1. The Inspector of Police,
Central Crime Branch,
Salem.Crime No.12 of 2019

... 1st Respondent/ Complainant

2. D.Manivannan

...2nd Respondent/Defacto Complainant

This Criminal Original Petition is filed under Section 482 of Criminal Procedure Code praying to call for the records in crime No.12 of 2019 dated 26.08.2019 registered by the first respondent and quash the same with respect to the petitioner herein.

For Petitioner

:

Mr.J.Hariharan

For Respondents

:

Mr.C.Raghavan R1

Government Advocate
(Crl. Side)

Mr.R.Arundattan

For Mrs.M.Sudha

R2

O R D E R

This petition has been filed to quash the FIR in Crime No.12 of 2019 pending investigation on the file of the first respondent.

2. The second respondent had filed an application under Section 156(3) of Cr.P.C. before the learned Judicial Magistrate-V, Salem. According to the second respondent, a false death certificate was produced during the course of proceedings in O.S.No.160/2015 before the learned III Additional District Judge, Salem. This death certificate is said to have been given by the petitioner who was the Village Administrative Officer during the relevant point of time. Based on the order passed by the learned Magistrate, an FIR came to be registered by the respondent Police in Crime No.12 of 2019 for offences under Section 191, 192, 193 & 420 of IPC.

3. Heard Mr.J.Hariharan, learned counsel for the petitioner, Mr.C.Raghavan, learned Government Advocate,

appearing on behalf of first respondent and Mrs.M.Sudha, learned counsel for the second respondent.

4. There is a civil dispute between the second respondent and accused 1 to 5, which was pending in O.S.No.160 of 2015 on the file of the learned III Additional District Judge, Salem. The petitioner, who was the Village Administrative Officer, has been roped in this case based on the death certificate issued by him. On going through the records, it is seen that the petitioner had issued the death certificate only based on the enquiry conducted by him in the village. That apart, there was also an order passed by the learned Judicial Magistrate-V, Salem, on 08.11.2016, declaring the death of one Mr.Duraisamy on 07.06.1989. Based on this order, the Tahsildar, Salem (West) has also issued a death certificate by showing the date of death of Duraisamy on 07.06.1989.

5. It is clear from the above that there is absolutely no reason to implicate the petitioner as an accused in this case. Issuance of a death certificate and legal heirship certificate is done based on information gathered by the concerned authorities from the parties and from the locality. No criminal proceedings can be initiated against an Officer performing an official duty, without there being any strong materials. The mere issuance of death certificate by the petitioner cannot expose him to criminal proceedings and this is more particularly, due to the fact that a competent Court has declared the death of Duraisamy on the same day as indicated by the petitioner and also the certificate, as given by the Tahsildar was in line with the order passed by the learned Judicial Magistrate. It is therefore clear that there are absolutely no grounds to continue the investigation as against the petitioner and the same will amount to abuse of process of law.

6. In the result, the FIR in crime No.12 of 2019 dated 26.08.2019 registered by the first respondent, is hereby quashed insofar as the petitioner is concerned and this Criminal Original Petition is accordingly allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

rli

To

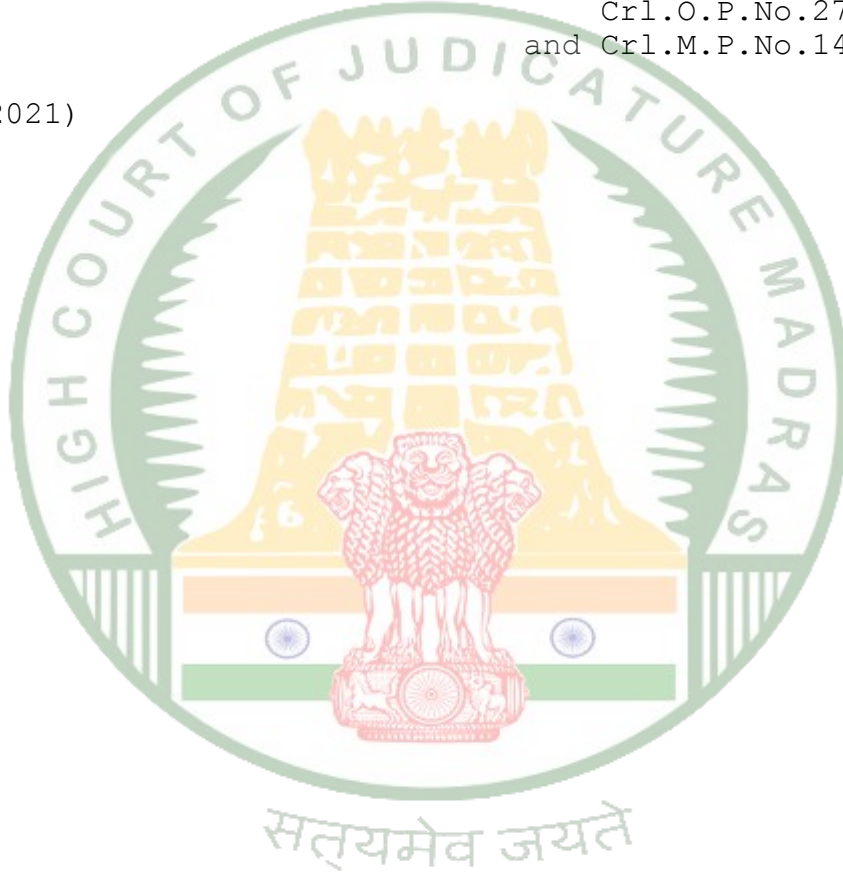
1. The Inspector of Police,
Central Crime Branch,
Salem.

2. The Public Prosecutor,
High Court of Madras.

+lcc to Mr.K.V.Law Firm, Advocate, S.R.No.14144

Crl.O.P.No.27790 of 2019
and Crl.M.P.No.14799 of 2019

SKY(CO)
GN(29/03/2021)



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