



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 09.07.2021

DELIVERED ON : 26.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

CrI.O.P. (MD)No.9055 of 2021

CRL.M.P (MD) .No.4636 of 2021

WEB COPY

Ilaiyabharathi ... Petitioner/Sole Accused

Vs.

1. The State Represented by,
The Inspector of Police,
Thirugokarnam,
Pudukottai District.
Crime No.148 of 2021. ...1st Respondent/Complainant

2.Tamilmozhi ...2nd Respondents/Defacto complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records in Crime No.148 of 2021 pending investigation on the file of the first respondent Police and quash the same.

For Petitioner	: Mr.S.Muniyandi
For R1	: Mr.R.M.Anbunithi
	Additional Public Prosecutor

O R D E R

This petition has been filed to call for the records in Crime No.148 of 2021 pending investigation on the file of the first respondent Police and quash the same.

2. The case of the prosecution is that the defacto complainant was allotted a single cylinder by Mahabharathi Indane Gramin VIT in Consumer No.7077451828. When she went to purchase Kerosene from the ration shop, she was informed that since she has got two gas connections in her name, Kerosene has not been supplied to her. Therefore, she approached the Gas Agency and enquired about that. At that time, she came to know that by forging her signature, an additional gas cylinder connection has been obtained by the accused and the same was sold in the open market for profit. Therefore, she made a complaint before the Superintendent of Police, Pudukottai. During the enquiry, the accused promised to cancel the additional gas connection which stands in the name of the defacto complainant. Later, on 08.09.2020, when she approached the Gas Agency, she was abused and criminally intimidated. Therefore, she gave a complaint before the Thirugokarnam Police Station and there was no action taken by the Police. Hence, she made a petition under Section 156(3) of Cr.P.C. before the learned Judicial Magistrate No.II, Pudukottai seeking a direction to register the case and



investigate the matter. Based upon the order passed by the learned Judicial Magistrate, a case has been registered in Crime No.148 of 2021 under Sections 294(b), 506(1), 420, 469 of IPC on 24.02.2021. Pending investigation, this petition came to be filed seeking quashment of the First Information Report mainly on the ground that no specific overtact has been attributed against the accused and there is no criminal intimidation.

3. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the first respondent.

4. During the course of arguments, the learned counsel for the petitioner would submit that the complaint itself is totally a false one as the second respondent was allotted one gas connection. For that purpose, the petitioner has also produced a Subscription Voucher dated 15.10.2018.

5. From the records, this Court can find one thing that the second respondent has been allotted a single cylinder. Now, the specific allegation of the second respondent is that when she approached the ration shop for purchasing Kerosene, she was told that since two gas connections are having in her name, she is not entitled to get Kerosene. Further, on enquiry, it came to light that by forging her signature, one more connection has been obtained by the accused in the name of the second respondent. On that ground, the facility has been rejected. Whether such forgery has been committed or such connection has been obtained or not, by forging her signature ? is a matter for consideration only during investigation or trial. This Court cannot record any finding on the basis of the Subscription Voucher that has been produced by the petitioner and it requires a thorough investigation. The contention on the part of the petitioner that there is no wrongful gain to the petitioner cannot be accepted because there is a specific allegation that by forging the signature of the second respondent, he has obtained the cylinder and sold the same in the open market for profit. Further, there is no sufficient ground to quash the First Information Report. The investigation shall continue to its logical conclusion.

6. Accordingly, the Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ssb



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,
Thirugokarnam,
Pudukottai District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CrI.O.P. (MD)No.9055 of 2021
26.07.2021

MGJ(03.08.2021) 3P 3C