

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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|---------------------|------------|
| Date of Reservation | 23.08.2021 |
| Date of Order       | 12.11.2021 |

CORAM:

**THE HON'BLE MR JUSTICE G.ILANGOVAN**

Crl.O.P.(MD)No.11925 of 2021

and

Crl.MP(MD)Nos.6095 and 6096 of 2021

WEB COPY

1.Vellaisamy  
2.Senthilkumar

: Petitioners/A2 and A5

Vs.

1.The Inspector of Police,  
Kovilpatti East Police Station,  
Thoothukudi District.  
(Crime No.131 of 2011)

: R1/Complainant

2.Kalimuthu,  
The Tahildhar,  
Taluk Office,  
Kovilpatti,  
Thoothukudi District.

: R2/De-facto Complainant

**Prayer:** Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, to quash the charge sheet in CC No.169 of 2016 on the file of the Judicial Magistrate No.1, Kovilpatti, relating to Crime No.131 of 2011 on the file of the 1<sup>st</sup> respondent police.

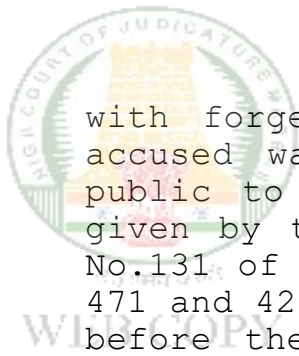
For Petitioners : Mr.G.Karuppasamy Pandian  
For Respondents : Mr.K.Sanjai Gandhi  
Government Advocate (Crl. side)

### **O R D E R**

This petition is filed to quash the charge sheet in CC No.169 of 2016 on the file of the Judicial Magistrate No.1, Kovilpatti, relating to the case in Crime No.131 of 2011 on the file of the 1<sup>st</sup> respondent police.

### **2.The case of the prosecution in brief:-**

The 1<sup>st</sup> accused namely Muthuraj was a Document Writer by profession. On 04.02.2011, the de-facto complainant received petitions from the public seeking for issuance of computerised patta and along with the said applications copies of the tax receipts were also enclosed. Finding that the property tax receipts are similar in nature, the de-facto complainant entertained doubt. On enquiry, it was revealed that these petitioners by forging the



with forged tax receipts. It is further revealed that the 1<sup>st</sup> accused was in the habit of forging the receipts enabling the public to get computerized patta. On the basis of the complaint given by the 2<sup>nd</sup> respondent/de-facto complainant, a case in Crime No.131 of 2011 was registered for the offence under sections 468, 471 and 420 IPC against six persons and final report was also filed before the Judicial Magistrate No.1, Kovilpatti, which was also taken cognizance in CC No.131 of 2011. Seeking quashment of the final report, this petition came to be filed by the petitioners mainly on the ground that the allegation is only against A1 and other persons have been arrayed as accused only on the basis of the confession statement of the 1<sup>st</sup> accused, which is not valid under law. The witnesses No.3 and 4 did not make any complaint regarding forgery of their signature.

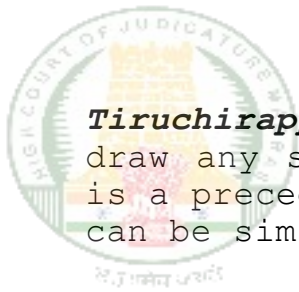
3.Heard both sides.

4.It is a case of fabricating and forging Government records. From the prosecution version, it is seen that A1 was in the habit of fabricating tax receipts and given to the public enabling them to get computerised patta. Therefore, the *modus operandi* of the 1<sup>st</sup> accused shows that he was in the habit of fabricating and forging the Government records. These petitioners have approached the above said 1<sup>st</sup> accused seeking help to get computerized patta, which was not standing in their name.

5.Peursal of the statement recorded during the course of investigation shows that the first petitioner Vellaisamy is the son in law of one Thangadurachi. The said Thangadurachi is owning lands in Asoor Malilpatti comprised in patta No.1347. Seeking issuance of computerised patta, the first petitioner has forged the signature of the above said Thangadurachi and submitted application before the Taluk Office, Kovilpatti, which was written by the 1<sup>st</sup> accused.

6.It is also seen that the said Thangadurachi has not paid kist for her property. but however, the kist receipts have been forged to show as if she has remitted the tax. Similarly the statement of one Achammal shows that she is is owning lands in Villihcerymaal village in Patta No.1051, 1611 and the 2<sup>nd</sup> petitioner is her son. Seeking patta to the said land, the 2<sup>nd</sup> petitioner has submitted the application before the Taluk Office, Kovilpatti, for getting computerised patta. She has also stated that she did not pay any kist for the above said property. So the statement of those two persons shows that the petitioners alleged to have forged the signature of the witnesses.

7.To substantiate his contention, the learned counsel appearing for the petitioners relied upon the decision reported in ***(2018)4 MLJ (Crl.) 399 in the case of Pastor D.V.Issac Timoth & another Vs. The Inspector of Police, City Crime Branch,***



**Tiruchirappalli City and two others.** But the petitioners cannot draw any support from the above judgment. Every criminal judgment is a precedent on its own circumstances. But no two criminal cases can be similar.

8.Absolutely, I find no merit in the argument advanced by the learned counsel appearing for the petitioners that no private complaint has been given by the above said two witnesses against these petitioners.

9.As mentioned above, the complaint has been lodged by a Public Officer, on the basis of the facts that has been revealed during enquiry and that was undertaken on suspicious on the genuinely of the documents submitted. So, this is a serious offence and the attempt on the part of the petitioners to get the computerised patta by forging the signature, by producing the forged documents before the Public Officer has to be treated properly to a logical conclusion. I find no merit in the argument advanced on the side of the petitioners on the ground that no complaint has been given by the affected persons. Here the affected person is the society and the public at large. This is not a private issue. It is a public issue. The offence committed by the petitioners is against the society at large.

10.Similarly, the next contention on the side of the petitioners that only upon the confession of the co-accused, these petitioners have been arrayed is also without any material and basis. As stated above, materials have been collected during the course of investigation by the Investigating Officer. Prima facie materials shows that a futile attempt has been made by the petitioners to dupe the Public Officer. Further, as stated above, the petitioners cannot get any support from the judgment relied upon by him. As mentioned above, this case is also stood on its own facts and circumstances. No precedent can be drawn and made applicable to the facts of this case. Apart from the confession statement of the co-accused, other strong materials are available against these petitioners.

11.So I find no merit in this petition. Accordingly, it is liable to be dismissed and accordingly, it is **dismissed**. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS III)

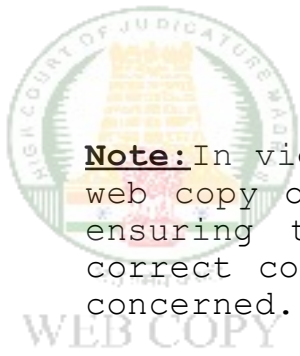
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Sub Assistant Registrar(CS)

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**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 Judicial Magistrate No.I,  
Kovilpatti.
- 2.Do Through The Chief Judicial Magistrate,  
Thoothukudi.
- 3.The Inspector of Police,  
Kovilpatti East Police Station,  
Thoothukudi District.
- 4.The Tahildhar,  
Taluk Office,  
Kovilpatti,  
Thoothukudi District.
- 5.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

**Cr1.OP(MD)No.11925 of 2021  
12.11.2021**

**RS (07.12.2021) 4P 6C**