



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Monday, the Fourteenth day of February Two Thousand Twenty Two

PRESENT

THE HON`BLE MR.JUSTICE C.V.KARTHIKEYAN

CMP.No.19792 of 2021

in A.S.No.4 of 2018

MR.PETHU NAICKER,
S/O.MUTHU NAICKER,
NO.98, KRISHNAN PUDHUR,
AMMAPET, SALEM- 636 003.

[PETITIONER]

Vs

MENAKA,
NAGICHIPATTI, NARIYANUR POST,
METTUR TALUK, SALEM DISTRICT.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to pass an order directing the Registry to lodge a Complaint through an Appropriate Officer before the Appropriate Magistrate having jurisdiction for the offences committed by the Appellant herein under Section 340 of Cr.P.C (in CMP.No.19792 of 2021).

Order : This petition coming on this day for hearing upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.V.SEKAR, Advocate for the petitioner and of M/S.R.NALLIYYAPAN, Advocate for the Respondent, the court made the following order:-

C.M.P.No.19792 of 2021 has been filed by the appellant in A.S.No.921 of 2018/plaintiff. This is an application filed under Section 340 of the Code of Criminal Procedure calling upon the Registry to lodge a complaint owing to protection of a document which, according to the appellant is not genuine.

2. Any application under Section 340 Cr.P.C can be determined only on conclusion of the judicial proceedings when reasons have to be given in the judgment that a particular document was produced, which document was forged or fraudulently prepared and owing to production of such particular document, the nature of judgment or course of judgment had been diverted.



3. When such a finding is given, thereafter, proceedings under Section 340 is an option whereby the Court itself can prosecute the particular party who produces such a document. Therefore at this stage the said application cannot strictly survives or can be considered.

4. Without infringing on the rights of the parties to prosecute any further on the document which according to the petitioner is fraudulent or forged, this Civil Miscellaneous petition is closed. The petitioner in the said petition may work out his remedies in manner known to law and there is no another foreclosure on such rights, this C.M.P is closed.

-sd/-

14/02/2022

/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

THE III ADDITIONAL DISTRICT JUDGE,
SALEM.

C.C. to MR.V.SEKAR, Advocate SR.NO.944/2022

Order

in
CMP.No.19792 of 2021

in A.S.No.4 of 2018

Date :14/02/2022

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