



Crl.R.C.No.1417 of 2022

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.11.2022

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.R.C.No.1417 of 2022

Thangamani

...Petitioner

-Vs-

State represented by
The Inspector of Police,
Ramanatham Police Station,
Cuddalore District

...Respondent

Prayer: Criminal Revision Case filed under Sections 397 read with Section 401 of Cr.P.C. to call for the records made in Crl.M.P.No.2266 of 2022 order dated 02.09.2022 by the learned Judicial Magistrate, Thittagudi and set aside the same as illegal.

For Petitioner : Mr.M.Velmurugan

Respondent : Mr.S.Sugendran,
Additional Public Prosecutor



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ORDER

The petitioner filed a complaint before the respondent police on 29.04.2022, since the respondent police has not registered a case based on the complaint given by the petitioner, she approached the learned Judicial Magistrate, Thittagudi, in C.M.P.No.2266 of 2022 to direct the Investigating Officer to register the case and investigate the matter and also to file a charge sheet. The learned Magistrate after perusing the averments made in the petitioner and also the complaint, dismissed the petition by order dated 02.09.2022. Aggrieved over the same the petitioner is before this Court with the present revision.

2 The learned counsel appearing for the petitioner would submit that the accused, being the President of the Village forged the signature of the petitioner and misappropriated the public money and therefore the petitioner filed a complaint before the respondent police and since no case was registered based on her complaint, she approached the learned Magistrate and the Magistrate without considering the same dismissed the



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petition, which warrants interference.

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3 The learned Additional Public Prosecutor appearing for the respondent police would submit that the disputed signature was sent to the Bank officials and the Bank officials have stated that it is the signature of the petitioner only. Further, after giving the complaint, the petitioner has not co-operated for further investigation. Therefore the police could not investigate the matter and find out any *prima facie* case to register the case. Cases of this nature, without conducting preliminary enquiry, FIR cannot be registered straight away and since non-cooperation of the petitioner, FIR could not be registered. The learned Magistrate also considered the facts and dismissed the petition.

4 Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent police and perused the materials available on record.



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Admittedly, the petitioner gave a complaint before the respondent police on 29.04.2022 and so far no case was registered. The grievance of the petitioner, who is the Vice President of Korakkavadi Village is that the accused, who is the President of Korakkavadi Village Panchayat forged her signature and withdrew the public money and misappropriated the same. To resolve the issue, the respondent police could have collected the signature of the petitioner in the earlier transaction available with the Bank and should have sent the same for Forensic Department, but they failed to do so and the learned Magistrate also failed to understand the allegation in the complaint. Therefore this Court is inclined to set aside the order impugned in this revision.

6 Accordingly, this criminal revision is allowed and the impugned order made in Crl.M.P.No.2266 of 2022 order dated 02.09.2022 by the learned Judicial Magistrate, Thittagudi, is set aside. The petitioner is directed to appear before the respondent police for further enquiry, and the respondent police is directed to collect the disputed signatures along with the



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contemporary document from the Bank containing earlier signature of the petitioner and send the same to Forensic Department and based on the report from the Forensic Lab, the respondent police is directed to register a case, if there is any difference in the signature and enquire into the matter and file a charge sheet before the jurisdictional Court. Such exercise shall be completed within a period of three months from the date of receipt of a copy of this order and file an Action Taken Report before this Court.

List after three months “for reporting compliance”

11.08.2022

Index : Yes/No

Internet: Yes/No

Speaking Order/Non Speaking Order

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To

1. The Judicial Magistrate, Thittagudi.
2. The Inspector of Police, Ramanatham Police Station, Cuddalore District.
3. Public Prosecutor, Madras High Court.

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P.VELMURUGAN, J.,

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