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Crl.O.P.No.29917 of 2019
and
Crl.M.P.No.16146 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on :17.11.2022

Pronounced on :21.11.2022

Coram:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Crl.O.P.No.29917 of 2019
and
Crl.M.P.No.16146 of 2019

Rajendran

.. Petitioner

/versus/

1.The State represented by
Inspector of Police,
District Crime Branch,
Dharmapuri,
Dharmapuri District.
(Crime No.1 of 2016)

2.P.Sivanandam

.. Respondents



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Prayer: Criminal Original Petition has been filed under Section 482 of Cr.P.C., praying to call for the records made in C.C.No.299 of 2016 on the file of the Judicial Magistrate-II, Dharmapuri and quash the same as illegal so far as the petitioner is concerned.

For Petitioner :M/s R.Shase for
Mr.M.Guruprasad

For Respondents :Mr.R.Kishore Kumar
Government Advocate (Crl.Side)
for R1

No appearance for R2

ORDER

The petitioner herein (A2) is arrayed as the second accused in C.C.No.299 of 2016 on the file of the learned Judicial Magistrate-II, Dharmapuri.



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2. The case against the petitioner and the first accused Muniappan came to be registered, based on the complaint given by one Sivanandam, the District Elementary Educational Officer, Vellore, who received the petition from one T.Mariappan alleging that P.Durairaj, S/o Perumal is serving as a Elementary School Teacher by furnishing forged certificate. Departmental enquiry was conducted and it was found that Muniappan, S/o Venkatraman, resident of Palacode has impersonated himself as Durairaj of Adi-dravidar Community and has joined duty on 15.10.2004 as a Middle School Teacher. Having found that by impersonation, forging the educational certificate and the community certificate the said Muniappan had impersonated himself as Durairaj and entered service. Action to remove him from service taken. Further, Criminal complaint was filed by Sivanandam, District Elementary Educational Officer.



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3. The case was taken up for investigation. During the investigation for the accused Durairaj @ Muniappan, the involvement and help of this petitioner had come to light. Hence, Final Report has been filed against the said Muniappan and (Rajendran) this petitioner, for offence under Sections 198, 419, 465, 468, 469, 471, 420 of IPC. The said complaint sought to be quash on the ground that there is no document to show that this petitioner helped Muniappan to secure the Middle School Teacher Job by forging the documents. There is no material to show that the documents collected by the prosecution were in the handwriting of the petitioner.

4. The learned counsel appearing for the petitioner, on reading the statements of the witnesses recorded under Section 161 of Cr.P.C, relied by the prosecution submitted that, there is no evidence to prosecute this petitioner for any offence much less forgery and cheating.



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5. The learned Government Advocate (Crl.Side) appearing for the first respondent/State submitted that this petitioner herein, in his confession statement has admitted that he few years ago fabricated the educational qualification documents and joined service as a Teacher. Later, he was terminated from service, after his act of forgery came to light. Having learnt the trick, this petitioner has created educational document and community certificate for the first accused in the name of Durairaj and facilitated the first accused to get Government job by fraud. When the complaint from Mariappan was taken up for enquiry, the role of this petitioner collecting money from Mariappan to get teacher job for his son had come to light and this petitioner in his confession statement has admitted about it.

6. Against this petitioner, three criminal complaints have been filed, one for securing job for himself by forging document; another for abetting and aiding Muniappan to join service in the name of Durairaj by



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using forged community certificate and educational certificate. The third complaint given by Mariappan against this petitioner and Muniappan for cheating him by promising to get Government job.

7. In the Counter, the learned Government Advocate (Crl.Side) stated that in the year 2009, after trial, C.C.No.288 of 2003 in Crime No.10 of 2001 ended in acquittal. The case in Crime No.1 of 2016 was registered by the Dharmapuri District Crime Branch under Sections 419, 465, 468 471 and 420 of IPC and the same is the subject matter of this quash petition, which does not carry any iota of incriminating materials against this petitioner.

8. On perusal of the documents relied on by the prosecution, *prima facie* case is made out against Muniappan for securing Teacher Job by fabricating his educational certificate and community certificate. In his confession statement, he has disclosed the fact with idea to get Government



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service by fabricating document emanated from A2, who had already experienced in doing such fraudulent act. With the aid of A2, he fabricated the documents and get the job.

9. This petitioner in his confession statement has admitted his role in all the three complaints against him. Though the first complaint has been dismissed, the fact remains that this petitioner got the job of Teacher using forged documents and later, when it came to light, he was removed from service.

10. In this case, the statement of the co-accused as well as the materials collected, *prima faice* discloses the fact that, mark sheets and the community certificate have been forged by the first accused and he got employment in the Department of Elementary School. Such an act of impersonation, forgery and cheating alleged to have been done in connivance with this petitioner, which has been admitted by both the first



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accused and the petitioner (A2) during the interrogation. The said facts are the matters for proof in the trial. Therefore, this Court finds no merits in this case.

11. Hence, **this Criminal Original Petition is dismissed.**

Consequently, connected Miscellaneous Petition is closed.

21.11.2022

Index:yes/no
speaking order/non speaking order
ari
To :

- 1.The Judicial Magistrate No.II, Dharmapuri.
- 2.The Inspector of Police, District Crime Branch,
Dharmapuri, Dharmapuri District.
- 3.The Public Prosecutor, High Court, Madras.



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DR.G.JAYACHANDRAN,J.

ari

Delivery order made in
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