



Crl.O.P.No.31210 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2022

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.31210 of 2022

and

Crl.M.P.No.19070 of 2022

K.Pazhani

... Petitioner

Vs.

State by

1.The Inspector of Police,
Tirukoilur Police Station,
Tirukoilur, Kallakurichi District.
(Crime No.391 of 2022)

2.The General Manager,
Tirukoilur Cooperative Urban
Bank Ltd., E.25/1975,
No.9, Market Street,
Tirukoilur 605 757,
Kallakurichi District.

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the entire records concerned in Crime No.391 of 2022 on the file of the Inspector of Police, Tirukoilur Police Station, Tirukoilur, Kallakurichi District and quash the same in so far as the petitioner is concerned.



Crl.O.P.No.31210 of 2022

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.S.Santhosh for R1,
Government Advocate (Criminal side)

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.391 of 2022 pending on the file of the first respondent police .

2. The learned counsel for the petitioner submitted that earlier, District Crime branch had initiated enquiry against the petitioner for the alleged offence under Section 420 of IPC. The allegation against the petitioner is that he had joined in Service by forging and fabricating the SSLC mark sheet and also obtained promotion. The petitioner filed petition in Crl.O.P.No.20016 of 2022 before this Court, seeking anticipatory bail. This Court while disposing the petition, observed as follows:

“4.Considering the facts and circumstances, the respondent police is directed to conduct enquiry and if any prima facie case is made out against the petitioner, register the FIR or close the petition enquiry within a period of



Crl.O.P.No.31210 of 2022

enquiry. It is needless to say that the respondent police shall not take any coercive steps to secure the accused till the completion of enquiry on the complaint lodged by the defacto complainant.

5. With the above direction, this Criminal Original Petition is disposed of.”

The petitioner was not aware of the status of the earlier complaint whether it was closed or still pending. Later, it was alleged that on the basis of the complaint given by the second respondent, FIR has been registered in Crime No. 391 of 22 for the offence under Section 465, 468 & 471 of IPC and it is pending. He further submitted that when there was no FIR registered on the basis of the earlier complaint, the registration of this impugned FIR is against the law. Therefore, the present petition has been filed.

3. The learned Government Advocate (crl.side) for the first respondent submitted that enquiry was conducted in the earlier complaint, which leads to the registration of the present FIR and the investigation is pending.



Crl.O.P.No.31210 of 2022

4. Heard the learned counsel for the petitioner and the learned Government

Advocate (crl.side) for the first respondent.

5. On going through the allegation made in the FIR, this Court finds that the SSLC mark certificate produced by the petitioner is a forged and fabricated certificate. The petitioner joined as a sub staff on 25.05.1998. Thereafter, he was promoted as a Assistant Manager on 01.09.2016. Later, one Gopikrishnan gave a complaint with regard to the educational qualification of the petitioner, due to which, the petitioner's certificate was sent to the Competent Authority for reporting its genuineness. The said report was received from the Competent Authority, wherein, it is proved that the petitioner's SSLC certificate was not issued by the Department. Therefore, this case has been registered against the petitioner for producing forged and fabricated SSLC mark sheet for joining the service and getting subsequent promotion.

6. From the allegation made in the complaint, this Court finds that cognizable offence is made out against the petitioner for investigation and for filing final report in this case. When the earlier complaint against the petitioner led to registration of the present FIR, the claim of the petitioner that there are 2 complaints registered



Crl.O.P.No.31210 of 2022

for the same offence is not acceptable. In this view of the matter, this Court is not inclined to accept the submissions made by the counsel for the petitioner.

7. Accordingly, this Criminal Original Petition stands dismissed.

Consequently, connected Criminal Miscellaneous Petition is closed.

19.12.2022

Index: Yes/No

Internet: Yes/No

Speaking/Non speaking order

shk



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Crl.O.P.No.31210 of 2022

G.CHANDRASEKHARAN.J.,

shk

To

1. The Inspector of Police,
N-2, Esplanade Police Station,
Chennai 600 014.1.The Inspector of Police,
Tirukoilur Police Station,
Tirukoilur, Kallakurichi District.
(Crime No.391 of 2022)
2. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.31210 of 2022
and
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