



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.01.2022

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.1234 of 2022
and
Crl.M.P. (MD)No.903 of 2022

Thangaraj ... Petitioner/Sole Accused
Vs.

1.The Inspector of Police,
Devarkulam Police Station,
Tirunelveli District.
(Crime No.158 of 2014) ...1st Respondent/Complainant

2.Muthupandiayan

3.The Block Educational Officer,
Cheranmahadevi,
Tirunelveli District. ... 2nd Respondent/
Defacto Complainant

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records of FIR in Crime No.158 of 2014 registered on the file of the 1st respondent and quash the same.

For Petitioner : Mr.R.Venkat Raman
For Respondents : Mr.B.Thanga Aravindh,
Govt. Advocate (Crl. Side)
for R1 & R3.

O R D E R

Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondents 1 and 3. Considering the nature of relief to be granted, issuance of notice to the second respondent is dispensed with.

2.The petitioner is an employee of TNSTC. A complaint was received by the management from the second respondent herein that the educational certificate submitted by the petitioner is fake. Therefore, Crime No.158 of 2014 was registered against the petitioner on the file of Devarkulam police station, Tirunelveli District. To quash the same, this criminal original petition has been filed.



3.The learned counsel for the petitioner draws my attention to the communication bearing Na.Ka.No.249/A1/14 dated 28.06.2018 addressed to the Managing Director, TNSTC, Tirunelveli Region stating that the petitioner's educational certificate is genuine. Therefore, the first respondent is directed to enquire the Block Educational Officer, Cheranmahadevi, Tirunelveli District in this regard with reference to the communication dated 28.06.2018 enclosed in page No.9 of the typed set of papers. It is not necessary that the very same official who issued the communication should be enquired. If the jurisdictional Educational authority confirms the genuineness, then the final report closing the case as mistake of fact shall be filed. In other words, the final report to be filed by the first respondent shall depend upon the statement to be made by the jurisdictional Block Educational Officer, Cheranmahadevi, Tirunelveli District. If any final report has been filed earlier, the jurisdictional Magistrate Court shall return the same. I am giving such a direction because the learned Government Advocate (Crl. Side) has categorically stated that even though final report is filed as early as in the year 2017, the same is yet to be taken on file. The communication on which the petitioner is placing reliance is dated 28.06.2018. This exercise shall be concluded within a period of six weeks from the date of receipt of a copy of this order. In the interest of justice, the aforesaid directions are issued.

4.This criminal original petition is disposed of accordingly. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2022

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 Inspector of Police,
Devarkulam Police Station,
Tirunelveli District.



2.The Block Educational Officer,
Cheranmahadevi,
Tirunelveli District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.V.ANGUSAMY, Advocate (SR-2465[F] dated 25/01/2022)

CrI.O.P (MD)No.1234 of 2022
25.01.2022

RK(09/02/2022) 3P 5C