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Crl.R.C.(MD)No.663 of 2022



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE **K.MURALI SHANKAR**

Crl.R.C.(MD)No.663 of 2022

Sunil Kumar

... Petitioner/Petitioner

Vs.

1.Thiru.Murugan,

The Deputy Tahsildar for Mandalam-1,

As on 12.06.2017 attached to the Office of the Tahsildar,

Vilavancode Taluk, Kuzhithurai,

Kuzhithuari and Post, Kanyakumari District.

(Presently serving as the Superintendent, Backward Class Section,
Collectorate, Nagercoil).

2.Thiru.Riyas Ahamed,

The Revenue Inspector for Painkulam Firka,

As on 09.06.2017, Painkulam,

Painkulam Post, Kanyakumari District.

(Presently serving as the Additional Deputy Tahsildar,
Attached to the Agastheeswaram Taluk,
Head Quarters, Nagercoil).

3.Thiru.Vadakuthiyan,

The Village Officer as on 09.06.2017,

Kulapuram Village, Methukummal Post,

Killiyoor Taluk, Kanyakumari District.

(Presently serving as the Village Administrative
Officer of Karungal Village, Killiyoor Taluk).

...Respondents 1-3/Respondents 1-3



4.The State of Tamil Nadu,
Rep. by the Inspector of Police,
Kaliakavilai Police Station,
Kaliakavilai, Kanyakumari District.

...4th Respondent/Third party

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records and set aside the order passed in Crl.M.P.No.241 of 2022 on the file of the learned Judicial Magistrate No.I, Kuzhithurai, dated 22.03.2022.

For Petitioner : Mr.M.P.Hariprasad
For R4 : Mr.S.Manikandan
Government Advocate (Crl. side)

ORDER

This Criminal Revision Petition is directed against the order passed in Crl.M.P.No.241 of 2022, dated 22.03.2022, on the file of the learned Judicial Magistrate No.I, Kuzhithurai, dismissing the petition filed under Section 156(3) of Cr.P.C seeking direction to register the FIR against the respondents/accused.

2.The case of the petitioner is that the petitioner has earlier filed a petition in W.P.(MD)No.901 of 2021, seeking Writ of Certiorarified Mandamus, to quash the proceedings of the District Collector, Kanyakumari District, dated 16.10.2012 insofar as it relates to the



petitioner's case and the proceedings, dated 02.07.2017; proceedings of the Tahsildar, Vilavancode Taluk, dated 14.06.2017 and the proceedings of the Revenue Divisional Officer, Padmanabhapuram Revenue Division, dated 13.07.2018 and direct the Tahsildar, Vilavancode Taluk to issue community certificates to the petitioner's daughters and this Court vide order, dated 23.04.2021 has directed the said Tahsildar to issue community certificates to the petitioner's daughters, namely, Ms.Karthika and Ms.Snehamol, certifying that they belong to Hindu Sambavar Community.

3.In pursuance of the directions of this Court, the petitioner has received the community certificates on 15.06.2021. Now, the petitioner has filed a petition under Section 156(3) of Cr.P.C., seeking direction to register the FIR against the respondents/accused, who had submitted reports to the Tahsildar with regard to the applications submitted by the petitioner for community certificates on the ground that they had issued a false reports on the basis of which, the Tahsildar has rejected his application.

4.The learned Magistrate, after considering the same, by observing that there is no supporting document produced to show that the



respondents/accused made forged and false documents, that the respondents discharged their duties as the public servants by way of enquired the application and submitted their report and that there is no scope for forwarding the same to register the FIR, dismissed the petition.

5.On considering the entire facts and circumstances, this Court is of the view that the above case is devoid of merits and the impugned order cannot be found fault with.

6.At this juncture, the learned counsel for the petitioner would submit that the petitioner may be granted liberty to file a private complaint.

7.Considering the above, this Criminal Revision Petition is dismissed. The petitioner is at liberty to file a private complaint under Section 200 of Cr.P.C. and on filing of such complaint, the learned Judicial Magistrate No.I, Kuzhithurai, is directed to proceed in the manner known to law.

19.07.2022

Index : Yes/No
Internet : Yes/No
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To:-

- 1.The Judicial Magistrate No.I, Kuzhithurai.
- 2.The Inspector of Police,
Kaliakavilai Police Station,
Kaliakavilai, Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

K.MURALI SHANKAR, J .



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ORDER MADE IN
CrI.R.C.(MD)No.663 of 2022

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