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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 24/11/2022

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The Hon'ble Mr.Justice **G.ILANGO VAN**

**Crl.RC(MD)No.1115 of 2022**

Pandiyaraj : Petitioner/Complainant

Vs.

1.K.Kalaiselvan

2.The Inspector of Police,  
South Police Station,  
Rajapalayam Town,  
Virudhunagar District.

: Respondents/Respondents

**PRAYER:-** This Criminal Revision has been filed under section 397 r/w 401 of the Criminal Procedure Code, to call for the entire records pertaining to the order made in Crl.M.P No.2895 of 2022, dated 14/10/2022 on the file of the Judicial Magistrate, Rajapalayam and set aside the same.

For Petitioner : Mr.M.Thirunavukarasu

For 1<sup>st</sup> Respondent : No appearance

For 2<sup>nd</sup> Respondent : Mr.S.S.Madhavan  
Government Advocate  
(Criminal side)

**O R D E R**

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This Criminal Revision has been filed seeking in order to set aside the order passed in CrI.M.P No.2895 of 2022, dated 14/10/2022 on the file of the Judicial Magistrate, Rajapalayam.

**2.The facts in brief:-**

The revision petitioner filed a private complaint before the second respondent police alleging that the first respondent herein namely Kalaiselvan forged his signature for the purpose of obtaining compassionate ground appointment from the Government. That was not properly enquired and it was also closed as if an undertaking was given by the revision petitioner. So he filed a petition under section 156(3) Cr.P.C before the Judicial Magistrate, Rajapalayam, which was also came to be dismissed stating that the revision petitioner has not approached the concerned Department for redressing his grievance and the disputed document was also not produced.



3. According to the revision petitioner, this observation of the trial court itself is not proper. When serious allegation of forgery has been made, it ought to have been referred to the second respondent for proper enquiry or investigation, as the case may be.

4. Heard the learned counsel appearing for the revision and the learned Additional Government Advocate (Criminal side) appearing for the 2<sup>nd</sup> respondent and perused the materials available on record.

5. It is seen that one Karuppiyah died due to Covid, on 09/10/2020. As per the Government scheme, one of the legal heirs or dependents are entitled for compassionate appointment. The above said Karuppiyah is the father of the revision petitioner and the first respondent herein. The revision petitioner applied for the above said compassionate ground appointment. On coming to know about the above said petition, the first respondent, who is his brother forged the signature in the affidavit stating that the other legal heirs are not having any objection. So according to the revision petitioner, this is the forged document. So, he lodged a complaint on 09/04/2022.



6.The learned Government Advocate (Criminal side) would submit that the above said enquiry, which was undertaken by the second respondent was closed on the basis of the statement given by the revision petitioner to the effect that he can work his remedy in the pending proceedings.

7.But the learned counsel appearing for the revision petitioner would submit that there is no such an undertaking given by him before the enquiry officer.

8.Now whatever it may be, it is seen that serious allegation of forgery has been made by the revision petitioner. So the above said complaint ought to have properly enquired. Even the trial court has not taken this into account and dismissed the petition as if it is an issue between two brothers, over the compassionate appointment. Whether the document that was submitted by the first respondent before the concerned authority is a forged one or not can be found out only during the course of enquiry. So not only the closure of the complaint by the second respondent is bad in law, but also the order that has been passed by this court.



9. On that ground, this criminal revision is liable to be allowed and accordingly, this criminal revision is **allowed** and the order of dismissal passed by the trial court is set aside and the 2<sup>nd</sup> respondent herein is directed to restore the complaint, which was filed by the revision petitioner, dated 09/04/2022 to the file and proceed in accordance with law, by summoning the revision petitioner and the counter petitioner, etc. Depending upon the preliminary enquiry, further steps may be taken by the respondent police, for which the revision petitioner is also directed to cooperate with the enquiry officer. If the revision petitioner is aggrieved by the outcome of the above said enquiry, he can work out his remedy through appropriate proceedings.

24/11/2022

Index:Yes/No  
Internet:Yes/No

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WEB COPY To,

- 1.The Judicial Magistrate,  
Rajapalayam,  
Virudhunagar district.
- 2.The Inspector of Police,  
South Police Station,  
Rajapalayam Town,  
Virudhunagar District.
- 3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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G.ILANGOVAN, J

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