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Crl.O.P.(MD)No.591 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved On : **21.03.2023**

Delivered on : **01.06.2023**

CORAM:

THE HONOURABLE MRS.JUSTICE **R.THARANI**

Crl.O.P.(MD) No.591 of 2021

Manoj

... Petitioner/accused No.5

Vs.

1.The Deputy Superintendent of Police,

District Crime Branch,

Ramanathapuram District.

2. The Inspector of Police,

District Crime Branch,

Ramanathapuram District.

(In Crime No.54/2020)

3. Pugalendhi

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records in C.C.No.157 of 2020, on the file of the Judicial Magistrate Court No.II, Ramanathapuram and to quash the same as illegal with regard to the petitioner alone.

For Petitioner : Mr.N.Ananthapadmanathan, Senior Counsel
for M/s.APN Law Associates

For Respondents : Mr.M.Sakthikumar
Government Advocate (Crl.Side)for R1& R2

: No appearance for R3



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ORDER

This petitions is filed to quash the case in C.C.No.157 of 2020, on the file of the Judicial Magistrate Court No.II, Ramanathapuram.

2. The allegation against the petitioner is that a person, by name, D.Rajesh joined duty as Junior Assistant in the Government Higher Secondary School at Sikkal in Ramanathapuram District, on 23.09.2020. On verifying the records, it was found that the documents were forged. Hence, a complaint was registered in Crime No.54 of 2020 and the said Rajesh was arrested. On his confession, involvement of one Kannan, who is working as an Assistant in the office of the Chief Education Office, Ramanathapuram, came into the light. On his confession, several other persons were arrested and the petitioner herein is arrayed as A5 in this case and the charge sheet was taken on file as C.C.No.157 of 2020 and the same is pending.

3. On the side of the petitioner, it is stated that the petitioner parted with huge amount of money and that he was also cheated by the primary accused. It was the other accused produced who a fake



appointment order and he is the one, who took the petitioner to join duty in the School. Few days after joining, the petitioner came to know that some foul play had taken place and he immediately resigned the job. The petitioner has not caused any monetary loss to the Government, he was deceived by the primary accused. There was no incriminating documents or materials substance seized from this accused.

4. On the side of the petitioner, it is stated that the petitioner appeared for the examination, conducted by the Tamilnadu Public Service Commission (T.N.P.S.C) for Group-IV Services, on 01.09.2019. One Kesavan was known to the petitioner, lured the petitioner stating that if the petitioner passed the T.N.P.S.C, exam, one Kannan is capable of getting the petitioner, placement as a Junior Assistant in Ramanathapuram District. The petitioner is having a disabled sister with 40% retardation. The petitioner was under the impression that if he will get employment within Ramanathapuram District, he can take care of his sister and old parents. When the petitioner demanded the money back from the perpetrators of the Crime, A1 brought an order of appointment in Government Secondary School at R.S.Mangalam.



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5. On the side of the petitioner, it is further stated that since the order was not received through post, the petitioner enquired the said Kannan, the said Kannan, as an employee of DEO, had taken the petitioner to the said School and introduced the petitioner to the Head Master of the School. There was no verification on the side of the School Authorities and the petitioner was allowed to join duty. Within a few days, the petitioner came to know that the appointment order was fake and he left the job on 26.09.2020. The petitioner was a victim of the circumstances, he was deceived by the other accused.

6. On the side of the petitioner, it is further stated that there is no material to implicate this petitioner and hence Section 119 of Cr.P.C., cannot be invoked against the petitioner, who was also a victim. The petitioner can be placed as a witness to speak the modus operandi. The petitioner has participated in the competitive exams, held by the Public Service Commission and that the petitioner has no *malafide* intention to secure job through back door. It was the primary accused, who had created fake records. Commission of forgery and using the forged documents as genuine were committed by the primary accused and not by this petitioner. The petitioner has not caused any loss and he



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did not receive any unlawful gain for himself. The petitioner is ready to depose before this Court as a witness under Section 306 of Cr.P.C. Only on the confession of this petitioner, A1 was arrested.

7. On the side of the prosecution, it is stated that the petitioner fabricated the appointment order and after joining duty, in 2 days, he resigned the job. On verification, the Head Master came to know that the D.E.O has not passed the such appointment order. A1 to A3 created fabricated documents.

8. The allegations are serious in nature. A person, who involved in job racketing, cannot be treated as a victim. Already charge sheet was filed and there is no question of treating the petitioner as a witness at this stage. This case requires a trial.

9. In the above circumstances, this Petition is dismissed.

NCC : Yes/No
Index : Yes/No
Ls

01.06.2023



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R.THARANI. J.

Ls

To

- 1.The Deputy Superintendent of Police,
District Crime Branch,
Ramanathapuram District.
2. The Inspector of Police,
District Crime Branch,
Ramanathapuram District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Pre-delivery order made in
Crl.O.P.(MD)No.591 of 2021

01.06.2023