



CrI.O.P(MD).No.5496 of 2020

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.04.2023

CORAM:

THE HONOURABLE MRS. JUSTICE R.THARANI

CrI.O.P(MD).No.5496 of 2020

and

CrI.M.P.(MD)No.3056 of 2020

1.Krishnan
2.Krishnan
3.Gurusamy

...Petitioners

Vs

1.State through its,
Inspector of Police,
District Crime Branch,
Ramanathapuram District.
(Crime No.7 of 2020)

2.Periyakaruppan

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying this Court to call for the records pertaining to the proceedings in Crime No.7 of 2020 on the file of the Inspector of Police, District Crime Branch, Ramanathapuram and quash the same as illegal in so far as the petitioners are concerned.

For Petitioners	: Mr.D.Sasikumar
For 1 st Respondent	: Mrs.M.Aasha Government Advocate (CrI. Side)
For 2 nd Respondent	: Mr.B.Ashok



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ORDER

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This petition is filed to quash the FIR in Crime No.7 of 2020 on the file of the first respondent.

2.The allegation against the petitioners is that the Residential Welfare Association in the name and style of Moolakkothalam Housing Board owners Welfare Association was created in the year 1984 with 144 members and the same was registered in registration No.3/1984. The Association has started a Matriculation School in the name and style of Moolakkothalam Housing Board Welfare Association Matriculation School in the year 1988. The Association used to conduct a general body meeting and used to conduct election for office bearers of the Association every year. Without convening any meeting, the petitioner created documents, as if they convene a general body meeting and they started a trust without informing the members of the Association and they forged the signatures of members who have died long back and misappropriated several lakhs.

3.On the side of the petitioners, it is stated that the issue involved is purely civil in nature. There is no malpractice or mismanagement. Some unruly elements with an evil design to capture the school management has



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been interfering in the administration by filing vexatious suits and criminal

complaints. A false case is foisted against the petitioners. The suit in O.S.No.

74 of 2019 pending before the District Munsif, Ramanathapuram in respect of very same allegations. The first respondent ought to conducted preliminary enquiry before registering the FIR. For the very same allegation a petition was pending before the learned Judicial Magistrate, Ramanathapuram and the same was directed to the Inspector of Police, Bazar Police Station, Ramanathapuram. The allegations are vague. No prima facie case is made out. The matter involved is purely civil in nature and prayed the FIR to be quashed.

4.On the side of the petitioners, it is stated that regarding the very same issue, another FIR in Crime No.348 of 2020 was pending before the Bazar Police Station and the petition to quash the FIR was filed in Crl.O.P.(MD)No. 16708 of 2021 and the same was dismissed by this Court. This is a second case registered for the very same offence and prayed the FIR to be quashed.

5.On the side of the prosecution, it is stated that the defacto complainant in both the cases are different. The cause of action in both the cases are different. The petitioners and others created a new Association and registered the same in registration No.1 of 2015 and they withdrew several



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lakhs from the original Association and they created documents for registering a new trust and they forged the signatures of the members of Association including the signatures of deceased persons and they withdrew a sum of Rs. 13,00,000/- (Rupees Thirteen Lakhs only) on 03.11.2016 and a sum of Rs. 20,00,000/- (Rupees Twenty Lakhs only) on 17.08.2017 from the existing bank account and by creating new account and from 01.06.2019 till 30.05.2020, they have swindled more than one crore. The amount involved is nine crores. In the petition, Bazar Police Station was not made as a party and prayed the petition to be dismissed.

6.A perusal of the records reveals that the defacto complainants in both the cases are different. Only four persons were mentioned as accused in the FIR in Crime No.7 of 2020. 15 persons were mentioned as accused in Crime No.348 of 2020 and the total amount involved is nine crores. In Crime No.7 of 2020, the amount involved is three crores and the alleged offence is from 01.01.2003 till 16.01.2015. The investigation is at the initial stage. The alleged offence is forgery and misappropriation of money, which cannot be named as 'civil in nature'. In the above circumstances, it is decided that there is no sufficient reasons to allow this petition.



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7. In view of the above, this Criminal Original Petition is **dismissed**.

Consequently, connected miscellaneous petition is closed.

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NCC : Yes/No
Internet : Yes/No
Index : Yes/No
Mrn

To

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



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R. THARANI,J.

Mrn

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