



Crl.R.C.(MD).No.364 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved on : 01.12.2022

Delivered On: 03.01.2023

CORAM

THE HONOURABLE MR. JUSTICE G.ILANGO VAN

Crl.R.C.(MD).No.364 of 2020

P.Janaki Raman

... Petitioner

Vs.

1.Sureshraj
2.S.Bavani
3.S.Akila
4.R.Shanthi

5.The Inspector of Police,
West Police Station,
Thanjavur District.

6.The Inspector of Police,
District Crime Branch,
Thanjavur.

... Respondents

PRAYER: This Criminal Revision Case is filed under Sections 397 and 401 of the Criminal Procedure Code, to call for the records in Crl.M.P.No. 2011 of 2019, dated 13.02.2020 on the file of the Judicial Magistrate No.I, Thanjavur and set aside the same.



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For Petitioner : Mr.G.Karnan

For Respondents : Mr.RMS.Sethuraman for R5 & R6
Additional Public Prosecutor

ORDER

This Criminal Revision Case has been filed against the order passed in Crl.M.P.No.2011 of 2019, dated 13.02.2020 on the file of the Judicial Magistrate No.I, Thanjavur.

2.The facts in brief:

The revision petitioner as complainant filed a complaint before the trial Court in Crl.M.P.No.2011 of 2019 under Section 156(3) Cr.P.C. In pursuance of the order that has been passed by this Court in Crl.O.P.(MD).No.4238 of 2018 that was referred to the 6th respondent herein for enquiry and file report. In pursuance of the above said order enquiry was conducted and final report was filed as action dropped stating that it is purely mistake of fact. After receiving the above said closure report, the revision petitioner filed his objection before the trial Court. Thereafter, it was also closed with a liberty to the revision petitioner to file private complaint, if he so still aggrieved. Against the above said order, this revision petition has been filed.



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3.The above said complaint has been filed by the following facts. He was doing business under the name called 'Raja Agency' from the year 1989 to 2004 and later, also dealing with plastic pipes etc. The first accused is running company called 'Imalayan Aqua Tech'. Second accused is also doing business. Third accused is working in the above said company as accountant.

4.On 03.12.2015, the complainant received a letter from the Fisheries Department, Ramanathapuram, inviting tender quotation. He informed the above said Department that he has no knowledge about the fishing business. At the time, he was informed that right from the year 2013 in the name of 'Raja Agency', they are receiving tender quotations. Only at that time, he came to know that accused No.1 to 3 created the fake documents by creating fake Agency seal. For which, the fourth accused is also colluding with them. The fourth accused is his wife. Having fully known about the illegal activity, she has assisted them. So on the above said illegal activity, he made sufficient complaints. During the course of enquiry that was undertaken over the above said complaint, the illegal activity was also brought to the notice.



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5.The Enquiry Officer filed report stating that he made enquiry with the accused and the complainant. During the course of enquiry, it was found that the complainant and the proposed accused persons are close relatives and they were doing joint business. Later difference of opinion arose between the complainant and the fourth respondent. Over which, H.M.O.P.No.849 of 2019, was filed. Even during the Departmental enquiry that was undertaken by the Fisheries Department, it was found that the allegations are baseless. To create evidence in support of the H.M.O.P.No. 849 of 2019, the present complaint has been given by exaggerating the facts.

6.In the protest petition/objection, the complainant has stated that no proper enquiry was undertaken by the Enquiry Officer and not even the officials attached to the Fisheries Department have been examined. Even the document, which contain the fake signature, was not sent for examination by the Expert and also mentioned several infirmities in the enquiry. There is no connection between the complaint and the matrimonial proceedings pending between himself and the fourth respondent.

7.On considering the above said protest petition, the trial Court



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formulated the above said issues as to whether further investigation is required by some other Officer. It is observed by the trial Court that the earlier complaint filed by the complainant was enquired by the Inspector of Police, Thanjavur West Police Station and that enquiry report was ordered to be considered and further enquiry was ordered on 21.05.2019. In the report dated 24.06.2019, it has been stated that because of the matrimonial issue only the above said false complaint has been given by implicating his brother-in-law and sister-in-law. Later, he filed Crl.O.P.(MD).No.8154 of 2019, by which, the enquiry was ordered to be undertaken by the District Crime Branch. Again, it was found by the Inspector of Police, District Crime Branch, Thanjavur that there is no basis for the complaint. The report was filed on 13.12.2019.

8. Reading of the order shows that several enquiries have been undertaken by the several police officials. First by the Inspector of Police, Thanjavur West Police Station. Next by the Inspector of Police, District Crime Branch, Thanjavur. In all these enquiries, it was found that only because of the matrimonial issue, this complaint has been given.

9. So the trial Court has observed that no further investigation is



required. It is also in detail, considering the report that was submitted by the 6th respondent.

10.At the time of hearing, the learned counsel for the revision petitioner submitted that the specific allegation that the third accused herein has forged his signature in the later pad of the Agency is not been properly taken into account. Unless the above said document is sent for the Expert Examination, truth will not come out. So according to him, the order must be set aside and further investigation must be ordered.

11.But, I absolutely, not in a position to appreciate the grievance that has been expressed by the revision petitioner. Already a matrimonial issue is pending between himself and fourth respondent herein. His complaint is that the fourth respondent in collusion with other three accused persons has indulged in such sort of illegal activity. *Prima facie* it was found that the above said allegations, are not true. Even now, the revision petitioner is not remedy less, he is given liberty to file private complaint, if so advised. But, the revision petitioner would submit that even if private complaint is filed the documents are available only in custody of the concerned Department, he cannot take any action for recovery of those documents and send it for



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Expert examination. So according to him, only police enquiry will bring the truth. But, even this argument cannot be accepted for the simple reason that remedies are available to the revision petitioner to seek all sort of reliefs that are available to him legally, even under the complaint under Section 200 Cr.P.C. Simply because of the disputed documents are in the custody of the Fisheries Department, the contention that he has become remedy less is not at all acceptable.

12. Therefore, I find no reason to interfere with the order that has been passed by the trial Court. This Revision petition deserves to be dismissed, accordingly **dismissed**, of course, with the above said liberty that was granted him by the trial Court.

03.01.2023

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

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To

1. The Judicial Magistrate No.I, Thanjavur.

2. The Inspector of Police,
West Police Station,
Thanjavur District.



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3.The Inspector of Police,
District Crime Branch,
Thanjavur.

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



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G.ILANGOVA,N,J.

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