



CrI.O.P.(MD)No.19077 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.09.2023

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CrI.O.P.(MD)No.19077 of 2019

and

CrI.M.P.(MD)No.11201 of 2019

R.Varadarajan

... Petitioner

Vs.

1.State Rep by
The Inspector of Police,
Manapparai Police Station,
Manapparai, Trichy District.
(In Crime No.323 of 2018)

2.Nallusamy

3.N.Padmanaban

... Respondents

(R3 is impleaded as per order of the Court dated 15.06.2023 in CrI.M.P.
(MD)No.1181 of 2023 in CrI.O.P.(MD)No.19077 of 2019)

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the case registered in First Information Report in Crime No.323 of 2018 on the file of the first respondent and quash the same as illegal.



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For Petitioner : Mr.J.Lawrance
For R1 : Mr.R.M.Anbunithi,
Additional Public Prosecutor
For R3 : Mr.R.Murali

R2 Died

ORDER

This Criminal Original Petition has been filed to quash the First Information Report in Crime No.323 of 2018 on the file of the first respondent.

2.According to the petitioner, the second respondent had given complaint before the first respondent police and based on the same FIR in Cr.No.323 of 2018 was registered for the offence under Sections 120(B), 465, 379, 474, 471 and 420 IPC and the same is pending for investigation. The contention of the second respondent is that he along with nine persons have started one sangam namely Manapparai Naidu Mahajana Sangam for the welfare of the Naidu community people and



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the said sangam was registered accordingly. One V.Rajasekaran Naidu was nominated as President of the said Sangam and A2 was nominated as Secretary of the said sangam. The second respondent and others have acted as office bearers and General Body meeting of the said sangam has been conducted and necessary minutes have also been recorded. During the general body meeting, which was held on 07.04.2013, the said V.Rajasekaran was re-elected as a President along with other office bearesrs, whereas A2 was not elected as Secretary. While being so, the said V.Rajasekaran was died on 30.05.2013. In the said circumstances, the petitioner and A2, taking advantages of the situation, made false claim as if they have been elected as office bearers of the said sangam and also on 30.12.2012, general body meeting was held in one marriage hall, wherein, the petitioner and A2 have been elected as President and Secretary. Thereafter, they filed renewal documents before the Registration authorities on 05.09.2013 by fabricating the minutes book of the said sangam and forged the signature of the deceased President V.Rajasekaran Naidu. On coming to know from the above said records that they have made false entries during the period from 01.01.2010 to 02.12.2012 as if some meetings of the sangam were conducted and as if



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some resolutions were passed, wherein the second respondent's signature was also forged. On 29.04.2018, the second respondent has preferred a statement before the Enquiry Officer, appointed by the District Registrar Trichy as to the various forms submitted by the petitioner and others are all fabricated and forged documents in connection with the affairs of the sangam. Already the first respondent police registered a case in Cr.No. 464 of 2014 for the very same set of allegations under Sections 120(B), 379, 420, 468, 471, 474 IPC r/w Section 34 IPC as against the petitioner and others upon the complaint of one V.P.Shankar, who is close associate of the second respondent. After investigation, the first respondent filed charge sheet before the learned Judicial Magistrate, Manapparai and the same was taken on file in C.C.No.106 of 2018. In these circumstances, at the instigation of one R.V.S.Veeramani, who is brother's son of the petitioner, the defacto complainant has preferred the instant false complaint against the petitioner with frivolous allegations. While so, the said R.V.S.Veeramani, his mother and his wife have created forged documents in respect of the properties of the sangam and thereby, a complaint was also preferred and the same was registered in Cr.No.8 of 2014 and the same is also pending. Therefore, the said



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R.V.S.Veeramani instigated the said V.P.Shankar to prefer the above said false complaint before the first respondent police. The petitioner also filed a contempt petition before the learned Judicial Magistrate, Manapparai in Cr.M.P.No.1937 of 2018 as against the respondent police to take action and thereby, the first respondent police developed enmity with the petitioner. Hence, this false complaint has been preferred and the same is liable to be quashed.

3.No counter was filed by the respondents.

4.The learned counsel appearing for the petitioner would contend that the second respondent lodged a complaint as against the petitioner and others and based on the same, the first respondent police registered FIR in Cr.No.323 of 2018 for the offence under Sections 120(B), 465, 379, 474, 471 and 420 IPC alleging that the petitioner and other accused have created minutes by forging the signature of the defacto complainant. In fact, there is a dispute between the parties with regard to the election of the sangam namely Manapparai Naidu Mahajana Sangam. Already, one V.P.Shankar has given complaint for the very same set of allegation



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and FIR was registered in Cr.No.464 of 2014. In that case, the defacto complainant is one of the witness. Now, again, the defacto complainant filed the present complaint as against the petitioner by alleging the very same set of allegations. Therefore, second complaint would not be maintainable and hence, the impugned FIR is liable to be quashed.

5.The counsel appearing for the third respondent would contend that the petitioner and other accused have created false minutes book and the defacto complainant's signature was also forged by the accused and thereby, he lodged the complaint. Already complaint was preferred by one V.P.Shankar in respect of forging his signature and the present complaint was preferred by the second respondent in respect of his signature. The case is at initial stage and it needs elaborate investigation and it is for the investigation officer to decide the case as to whether prima facie materials available or not. Therefore, this petition is liable to be dismissed. In support of his contention he relied upon the judgement of this Court in a case of R.Varatharajan Vs. State Rep.by the Inspector of Police, Manapparai Police Station, Manapparai, Trichy District made in CrI.O.P.(MD)No.19914 of 2018 dated 07.02.2022.



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WEB COPY 6. Heard both sides and perused the materials available in the records.

7. In this case it is admitted fact that already case has been registered as against this petitioner and others for creation of forged documents i.e., creation of minutes Book and in that Book so many signatures were forged. To that effect a case in C.C.No.106 of 2018 is pending before the Judicial Magistrate, Manapparai. The contention of the petitioner is that already one complaint was lodged by one V.P.Shankar by alleging that forged minutes book was created and his signature was also forged by the accused. While so, for the very same set of allegations, the present complaint lodged by the defacto complainant. The learned counsel appearing for the petitioner relied upon the following judgements of the Hon'ble Supreme Court as well as this Court:-

1) Tarak Dash Mukharjee & Ors Vs. State of Uttar Pradesh & Ors reported in 2022 LiveLaw (SC) 731.



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2) Arnab Ranjan Goswami Vs. Union of India (UoI) and others reported in 2020 (2) MWN (Cr.) 564 (SC).

3) Amitbhai Anilchandra Shah Vs. The Central Bureau of Investigation & another reported in 2013 (1) MWN (Cr.) 481 (SC).

4) Anju Chaudhary Vs. State of Uttar Pradesh and another reported in (2013) 6 SCC 384.

5) Matchan @ Abubacker Siddik and others Vs. State rep by Inspector of Police, Muthupettai Police Station, Tiruvarur and another reported in 2020 (1) MWN (Cr.) 538.

6) Nanjil Sampath Vs. State rep by Inspector of Police, S5, Pallavaram Police Station, Chennai made in Crl.O.P.Nos.18261, 18292, 18475, 19128 & 19181 of 2017 dated 20.01.2022.

On careful perusal of the above said judgments, it is clear that second FIR is not maintainable for the very same set of allegations and the case on the hand, the allegations in minutes book has been forged and so many signatures were also forged by the accused. While so, already complaint was preferred for the creation of false minutes book and forged



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signatures. That apart, it is admitted fact that the defacto complainant also witness in the previous case. While so, he very well knew about the said previous case. Even thereafter, the present complaint has been lodged by the defacto complainant for the very same set of allegations.

8.The third respondent's contention is that the previous complaint was given for forged signature of another person, now this case is in respect of the forged signature of the third respondent, but the previous complaint is for the creation of minutes book and in the minutes book so many signatures were forged. For that allegation, the case was filed and the same is pending for trial. Further, the learned counsel appearing for the private respondents has produced copy of the order issued in Crl.O.P. (MD)No.19914 of 2018 on the file of this Court and the same revealed that this petitioner herein has already filed the said petition to quash the case in C.C.No.106 of 2018 and the same was dismissed. But the present case is based on the complaint filed by the another person for the same set of allegations. The judgements relied on by the petitioner show that the second FIR is not permissible for the same set of allegations.



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9. Therefore, in view of the above said judgments, second FIR is not permissible for the very same set of allegations and thereby, the impugned FIR in Cr.No.323 of 2018 for the offence punishable under Sections 120(B), 465, 379, 474, 471 and 420 IPC is liable to be quashed. Accordingly, FIR in Cr.No.323 of 2018 pending on the file of the first respondent is hereby quashed and this criminal original petition is allowed. Consequently, connected miscellaneous petition is closed.

15.09.2023

NCC : Yes / No
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To

- 1.The Inspector of Police,
Manapparai Police Station,
Manapparai, Trichy District.

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



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P. DHANABAL,J.

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