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CrI.O.P.No.31421 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2024

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

CrI.O.P.No.31421 of 2024

A.Kumariah

... Petitioner

Vs.

The State Rep. by
The Deputy Superintendent of Police,
District Crime Branch,
Villupuram District,
Villupuram.

... Respondent

Prayer: Criminal Original Petition is filed under Section 528 BNSS, to set aside the order in CrI.M.P.No.11046 of 2023, dated 06.07.2024 on the file of the learned Judicial Magistrate No.I, Villupuram.

For Petitioner : Mr.L.Infant Dinesh

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor

ORDER

This Criminal Original Petition is filed to set aside the order in CrI.M.P.No.11046 of 2023, dated 06.07.2024 on the file of the learned Judicial Magistrate No.I, Villupuram.



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2. The case of the petitioner is that the petitioner was arrested by the respondent police for the offense under Section 420 of the IPC in Crime No. 45 of 2021 and remanded to prison. He claims that he did not commit the offense, and that the case was registered out of personal vengeance, involving a conspiracy between police and revenue department officials. The FIR was registered based on an official memorandum and subsequent orders, leading to the petitioner's arrest and judicial remand. Upon seeking a certified copy of the FIR and complaint, the petitioner discovered that the word "Villupuram" had been added by hand to the typed complaint, and the complainant's signature was imitated. The petitioner alleges that this was done deliberately to fabricate the scene of occurrence. He further states that the DIG of Villupuram Range issued a charge memo and conducted a departmental inquiry based on this fabricated complaint. Despite requesting the relevant documents, the petitioner found discrepancies in the copies provided, which were endorsed as true copies but did not reflect the handwritten insertion of "Villupuram" in the original complaint.

3. The learned counsel for the petitioner submits that no cause of action has arisen, and the incident did not take place within the jurisdiction of Villupuram; it occurred outside Villupuram's jurisdiction. Although the complainant did not mention that the cause of action took place in Villupuram, the word "Villupuram" was subsequently inserted. Therefore, the petitioner



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filed a petition before the learned Judicial Magistrate No.I, Villupuram, invoking Section 91 of the Cr.P.C, seeking certain documents. However, the learned Magistrate dismissed the petition without considering the contentions of the petitioner.

4. Heard the learned Additional Public Prosecutor on the above submission made by the learned counsel for the petitioner.

5. Upon perusal of the Section 161(3) statement, it is clear that a part of the cause of action took place in Villupuram. Therefore, the contention of the learned counsel for the petitioner, that the word "Villupuram" was later inserted in the complaint filed by the defacto complainant, cannot be accepted at this stage. The petitioner has not provided any substantial or convincing evidence to support the allegation that the insertion of the word was a deliberate fabrication to mislead or manipulate the jurisdiction. Hence, the reasons put forward by the petitioner are not acceptable, and the criminal original petition is dismissed. However, the petitioner is granted liberty to present all his defenses before the trial court during the trial.

17.12.2024

Index : Yes/No
Neutral Citation Case : Yes/No
Speaking Order : Yes/No
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P.VELMURUGAN, J

r n s

To

1. The Judicial Magistrate No.I,
Villupuram.
2. The Deputy Superintendent of Police,
District Crime Branch,
Villupuram District,
Villupuram.
3. The Public Prosecutor,
High Court, Madras.

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