



C.R.P.(MD)No.1621 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 16.10.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD)No.1621 of 2023

Padmanaban (Died)

Ponnudurai

S/o.Late.Padmanaban

... Petitioner / Petitioner / Defendant

Vs.

1.Mahadevi

2.Arivazhagan

3.Tamil Selvi

4.Gunaseelan

... Respondents / Respondents / Plaintiffs

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order passed in I.A.No.282 of 2021 in O.S.No.212 of 2012 on the file of the District Munsif Court, Kodaikanal, dated 21.02.2022 and allow IA.

For Petitioners : Mr.Raja.Karthikeyan

For Respondents : Mr.R.Dhanaram



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ORDER

Heard both sides.

2. The defendant in O.S.No.212 of 2012 on the file of the District Munsif Court cum Judicial Magistrate, Kodaikanal is the revision petitioner herein. The petitioner herein filed I.A.No.282 of 2021 for initiating prosecution against the plaintiffs under Section 340 of Cr.P.C. According to the defendant, the foundational plaint document (Ex.P1) has been tampered. The revision petitioner alleges that Ex.P1 was filed along with the plaint. Later it was taken back and the date of the stamp paper was changed as 12.01.1991 in the place of 12.01.1996. The specific stand of the revision petitioner is that the stamp paper was actually purchased only in 1996 and that it was made to appear that it was purchased on 12.01.1991 itself. The court below declined to take action under Section 340 of Cr.P.C on the ground that the document was not altered when it was in the custody of the court.

3. I am satisfied that this finding is *prima facie* correct. In any event, the court cannot be compelled to initiate prosecution under Section 340 of Cr.P.C.



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If the revision petitioner succeeds in obtaining a finding in the final Judgment that there has been tampering of the date found in Ex.P1, it would be open to the petitioner herein to launch an independent prosecution against the plaintiffs thereafter. The suit is of the year 2012. It cannot be kept pending definitely. The court below shall dispose of the suit on merits and in accordance with law within a period of four months from the next hearing date.

4. With the aforesaid direction, the Civil Revision Petition is disposed of.

No costs.

16.10.2024

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

The District Munsif Court, Kodaikanal.



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G.R.SWAMINATHAN, J.

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