



Crl.O.P.(MD) No.16922 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.03.2024

CORAM

THE HON'BLE MRS.JUSTICE R.HEMALATHA

Crl.O.P.(MD) No.16922 of 2021

and

Crl.M.P.(MD) No.9158 of 2021

1.Meera Dhanalakshmi

2.Aathimurugan

... Petitioners

Vs.

1.The State represented by
The Inspector of Police,
Srivillipudhur Town Police Station,
Virudhunagar District.
(In Crime No.87 of 2021)

2.V.Jeyalakshmi

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, to call for the records pertaining to the F.I.R. in Crime No.87 of 2021 on the file of the first respondent police and quash the same as illegal.

For Petitioners : Mr.R.Karunanidhi

For R1 : Mr.R.M.Anbunithi
Additional Public Prosecutor

For R2 : Mr.M.Jothibasu



Crl.O.P.(MD) No.16922 of 2021

WEB COPY

ORDER

Seeking to quash the First Information Report in Crime No.87/2021 of Srivilliputhur Town Police Station, the present Criminal Original Petition is filed.

2. The case of the second respondent (*de facto* complainant) is that the petitioners (accused) who are tenants in their property bearing Door No.138, North Cart Street, Srivilliputhur Town, had fabricated a rental agreement dated 14.10.2013 for a period of three years and also a sale agreement dated 14.10.2013 as if they were executed by the *de facto* complainant's husband who died on 03.03.2014. According to the *de facto* complainant, her husband's signature was forged in both these documents and there are also material alterations in the rental agreement. It is her specific contention that her husband did not execute either a rental agreement or a sale agreement in favour of the accused.

3. Based on the complaint given by the *de facto* complainant, the Sub-Inspector of Police, Srivilliputhur Town Police Station registered F.I.R. in Crime No.87 of 2021 against the petitioners/accused for the



Crl.O.P.(MD) No.16922 of 2021

offences punishable under Sections 294(b), 404, 406, 465, 467, 468, 471 and 506(1) of IPC.

4. Mr.R.Karunanidhi, learned counsel for the petitioners (accused) would contend that the accused had, in fact, filed a suit in O.S.No.13 of 2021 before the Principal District Court, Srivilliputhur, for specific performance of the contract and the said suit is pending. It is also his contention that the dispute between the parties is purely civil in nature and therefore, registration of F.I.R. by the police cannot be sustained.

5. Per contra, Mr.M.Jothibas, learned counsel for the second respondent (*de facto* complainant) and Mr.R.M.Anbunithi, learned Additional Public Prosecutor appearing for the first respondent police would contend that the accused had, in fact, forged the signature of the *de facto* complainant's husband in the sale agreement as well as in the rental agreement both dated 14.10.2013 and that those two documents were never executed by the *de facto* complainant's husband. It is their further contention that the suit for specific performance of the contract was filed only in the year 2021 for the sale agreement dated 14.10.2013 which would clearly go to show that the accused committed the offences



Crl.O.P.(MD) No.16922 of 2021

punishable under Sections 294(b), 404, 406, 465, 467, 468, 471 and 506(1) of IPC. Therefore, they prayed for dismissal of the present Criminal Original Petition.

6. It is pertinent to point out that though the rental agreement dated 14.10.2013 is for a period of three years, the same has not been registered as per the Section 17 of the Registration Act, 1908. Sale agreement has also not been registered. A perusal of rental agreement shows that there are material alterations with regard to payment of advance amount. When the specific contention of the *de facto* complainant that her husband's signature is forged in both these documents and the police had also sent those documents for expert's opinion, I do not see any reason to quash the First Information Report at this stage.

7. Accordingly, this Criminal Original Petition stands dismissed. Consequently, connected Miscellaneous Petition is closed.

01.03.2024

Index: Yes/ No
Neutral Citation: Yes / No
Speaking Order / Non-Speaking Order
JEN



Crl.O.P.(MD) No.16922 of 2021

To:

WEB COPY

- 1.The Inspector of Police,
Srivillipudhur Town Police Station,
Virudhunagar District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD) No.16922 of 2021

R.HEMALATHA, J.

JEN

Crl.O.P.(MD) No.16922 of 2021 and
Crl.M.P.(MD) No.9158 of 2021

01.03.2024