



Crl.O.P.(MD)No.19247 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 29.04.2024

CORAM:

THE HON'BLE MR JUSTICE A.A.NAKKIRAN

Crl.O.P.(MD)No. 19247 of 2022
and
Crl.MP(MD)Nos.13011 & 13043 of 2022

S.Durairaj ... Petitioner / Accused (Single)

Vs.

**1.The State represented by,
The Inspector of Police,
Nainarkovil Police Station,
Ramanathapuram District.
(Crime No.15 of 2014)** ... 1st Respondent/Complainant

2.P.Manjula Devi ... 2nd Respondent/Defacto
Complainant

Prayer:Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the entire records pertaining to the case in C.C.No.219 of 2018 on the file of the learned Judicial Magistrate, Paramakudi, Ramanathapuram District and quash the same as against the petitioner.

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



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For R2

: Mr.M.Boopathi Pandian

ORDER

This petition has been filed to quash the case in C.C.No.219 of 2018 on the file of the learned Judicial Magistrate, Paramakudi, Ramanathapuram District.

2. The case of the prosecution is that during the year 2001 – 2006, the defacto complainant was working as 'Panchayat President' and the petitioner was working as 'Panchayat Clerk'. During that time, the petitioner misappropriated the tax amount, which was collected from the public. Further, he signed the signature of the defacto complainant in his SR book and also in many communications. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that there is enmity between the petitioner and the husband of the defacto complainant. Though the defacto complainant was the elected President, all the discharging of duties, which are to be done by the President, has done only by her husband. He forged the signature of his wife mostly in all the letters, which have been sent to the department concerned. Hence, there is



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no specific allegation against the petitioner. Hence, he prayed for allowing this petition.

4. The learned counsel appearing for the second respondent submitted that during the year 2001 – 2006, the defacto complainant was working as 'Panchayat President' and the petitioner was working as 'Panchayat Clerk'. During that time, the petitioner misappropriated the tax amount, which was collected from the public and also committed the offence of forgery by signing the signature of the defacto complainant in his SR Book and also in many communications. Further, the signatures found in the disputed documents are not the signature of the defacto complainant. It was proved by the Forensic Report dated 27.08.2015. Hence, he prayed for dismissal of this petition.

5.The learned Additional Public Prosecutor appearing for the State submitted that already trial was commenced. There are 12 witnesses. Out of 12 witnesses, 2 witnesses (L.W.1 & L.W.2) have been examined. The specimen signature of the defacto complainant was sent to the the Regional Forensic Science Laboratory, Madurai for examination and it reveals that



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the signatures found in the petitioner's SR book and the other documents are not relevant to the signature of the defacto complainant.

6.At this juncture, the learned counsel appearing for the petitioner submitted that the respondent police has sent the specimen signature of the defacto complainant to the Regional Forensic Science Laboratory, Madurai, and they also failed to send the specimen signature of the petitioner to the Forensic Lab. Without comparing the petitioner's signature with the disputed documents, the respondent police filed the final report before the learned Judicial Magistrate, Paramakudi, Ramanathapuram District against the petitioner. Hence, the charged sheet filed against the petitioner is liable to be set aside.

7.Heard both sides.

8.It is seen that all the points raised by the learned counsel appearing for the petitioner can be agitated before the trial Court in the course of trial. Already, the trial was commenced and the witnesses have been examined. Hence, at this stage, the entire proceedings cannot be quashed.



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9. Accordingly, this Criminal Original Petition is dismissed.

Consequently, connected miscellaneous petitions are closed.

29.04.2024

NCC : Yes/No

Internet: Yes

Index: Yes/No

dss

To

1. The Judicial Magistrate,
Paramakudi, Ramanathapuram District.
2. The Inspector of Police,
Nainarkovil Police Station,
Ramanathapuram District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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A.A.NAKKIRAN, J.,

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