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Crl.O.P.No.11622 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON: 28.04.2025
PRONOUNCED ON: 09.09.2025

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.11622 of 2025
and
Crl.M.P.No.7742 of 2025

V.Ranganathan

... Petitioner

Vs.

1.State rep by
The Superintendent of Police,
Vigilance and Anti Corruption Police Unit,
Puducherry.
(Crime No.1 of 2019)

2.Mr.P.T.Rudragoud
Director of School Education,
P.K.C. Educational Complex,
Anna Nagar, Puducherry – 605 005.

... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS, to call for the records pertaining to Crime No.1 of 2019 on the file of the Inspector of Police, Vigilance and Anti Corruption Police Unit, Puducherry and quash the same.



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Cr.L.O.P.No.11622 of 2025

For Petitioner : Mr.B.Kumar
Senior Counsel
for Mr.S.Chandrasekar

For R1 : Mr.M.V.Ramachandramurthy
Additional Public Prosecutor (Puducherry)

ORDER

This Criminal Original Petition is filed to call for the records pertaining to Crime No.1 of 2019 on the file of the Inspector of Police, Vigilance and Anti Corruption Police Unit, Puducherry and quash the same.

2.The contention of the learned senior counsel for the petitioner is that the petitioner joined service in the Education Department on 05.08.1988 as Post Graduate Teacher in the Department of School Education in Puducherry. At the time of his appointment, his date of birth was wrongly recorded in the service register as 17.08.1958 instead of 18.09.1959. The petitioner gave a representation on 21.08.1989 requesting that his date of birth erroneously entered in service register may be altered corrected as 18.09.1959 instead of 17.08.1958 followed with another representation on 11.04.1991. Thereafter no action taken, but to the shock



CrI.O.P.No.11622 of 2025

and surprise of the petitioner, his peers, namely, V.Vetrivel and

K.Alexander who were appointed along with the petitioners were fixed

seniority in Nos.227 and 233 respectively and the petitioner was fixed

Seniority No.251 and for others appointed on the same day, seniority was

fixed above the petitioner. Hence, the petitioner sent another representation

on 11.05.1995. Again on 11.10.2017, the petitioner sent a detailed

representation setting forth the earlier representations given by him and

correction of his date of birth not done. Since no action taken, petitioner

approached the Central Administrative Tribunal in O.A.No.255 of 2018

which was dismissed on 02.08.2018 for the reason that the petitioner's

request for change of date of birth is at the fag end of his service, when he is

scheduled to get superannuated on 31.08.2018, aggrieved against the same,

petitioner preferred a writ petition in W.P.No.21325 of 2018. The First

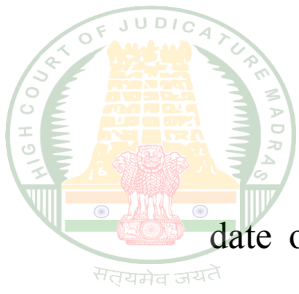
Bench of this Court by order dated 24.08.2018 considering the petitioner's

request, the petitioner had given his representation as early as on 21.08.1989

which is within the five years period as contemplated by Rule 56 of

Fundamental Rules, set aside the order of the Central Administrative

Tribunal and directed the Directorate of School Education to correct the



Crl.O.P.No.11622 of 2025

date of birth of the petitioner in the service register from 17.08.1958 to 18.09.1959 and permitted the petitioner to continue in service till 30.09.2019, aggrieved against this order. The Directorate of School Education filed Civil Appeal No.9246 of 2019 in SLP No.12908 of 2019. The Apex Court by judgment dated 06.12.2019 allowed the appeal setting aside the order of the High Court on the ground that only in the year 2017 i.e., at the fag end of his service, the petitioner approached the Central Administrative Tribunal.

3.Now the contention of the petitioner is primarily on the ground that the respondent police has no jurisdiction to register FIR for the offence under Sections 172 to 188 IPC and as a corollary the Judicial Magistrate cannot take cognizance of any case filed pursuant to the FIR. He would further submit that Section 195(b)(1)(ii) IPC is a bar. The case alleged against the petitioner is that he gave false documents before this Court and orders obtained favouring the petitioner. He further submitted that if at all any false documents produced, it can be only before the Central Administrative Tribunal and not before the High Court, but the Tribunal not



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lodge any complaint. In such circumstances, the defacto complainant lodging a complaint as though false documents produced when there is no specific complaint from the concerned Court is not proper. cannot be entertained. The learned senior counsel further relied upon the decision of this Court in the case of *Jeevanandham and others vs. State rep. by Inspector of Police, Velayuthampalaym Police Station, Karur District and another* reported in *2018 (2) LW(Crl.) 606*, wherein it is held that complaint ought not to be registered for the offence punishable under Section 188 IPC or abetment or attempt to commit the same in view of the bar under Section 195 Cr.P.C.

4.The learned Additional Public Prosecutor (Puducherry) strongly opposed the petitioner's contention and submitted that in this case FIR registered in Crime No.1 of 2019 for the offence under Sections 181, 193, 196, 198, 199, 464, 468, 471 & 472 IPC r/w. Section 13(1)(d)(ii) of Prevention of Corruption Act, 1988. He would submit that bar under Section 195(b)(1)(ii) Cr.P.C. is applicable for the offence under Section 172 to 188, 193, 196, 199, 200, 205 to 211, 228, 463, 471, 475 and 476 IPC in respect of documents produced in evidence in proceedings in any Court and



the bar is not for investigation, it is only for taking cognizance. Further the

Apex Court held that only in case of forgery, alteration or tampering of documents which is in *custodia legis* in the Court, then only the bar under Section 195 Cr.P.C will be applicable. In this case, the forged document created outside the Court and produced in the Court proceedings. On the strength of the forged documents, the petitioner made a claim as though his date of birth was wrongly registered in the service register and also got corrected and had a benefit of extra length of service, received a salary and emoluments during the extended period which he is not entitled and it is a case of criminal misconduct. He further submitted that FIR registered, investigation is in progress and at the time of filing final report, the petitioner's objections can be considered.

5.Considering the submissions made and on perusal of the materials, it is seen that the respondent police registered FIR and investigation is in progress. It is not the case of the respondent that the document has been forged when the document was in *custodia legis* in a Court or public authority. The petitioner fabricated the document outside the Court and thereafter produced the same as genuine. Due to this fabrication, the



CrI.O.P.No.11622 of 2025

WEB COPY

petitioner gained extended service and caused loss to the Government to the tune of Rs.17,38,888/-. The despatch seal of Kamban Government Higher Secondary School, Nettapakkam, Puducherry, is false. Likewise there have been some discrepancy with regard to seal found in the documents wherein the seal finds the name of Puducherry but the Union Territory of Pondicherry has been changed as Union Territory of Puducherry with effect from 01.10.2006. Hence the seal appeared in the acknowledgement cannot be in existence in the year 1989 i.e. 17 years before. These are the vital aspects which are being investigated. Further, the contention of the petitioner is a matter of investigation which cannot be scuttled or impaired on the grounds raised by the petitioner. In view of the same, this Court is not inclined to quash the FIR.

6. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected criminal miscellaneous petition is closed.

09.09.2025

Index: Yes/No
Speaking Order/Non-Speaking Order
cse



Crl.O.P.No.11622 of 2025

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- To
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High Court, Madras.



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M.NIRMAL KUMAR, J.

cse

Pre-delivery order made in

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