



CrI.O.P.No.31135 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2025

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

CrI.O.P.No.31135 of 2024

A.Kumariah

... Petitioner

Vs.

The State represented

By Deputy Superintendent of Police

District Crime Branch

Villupuram District

Villupuram

... Respondent

Prayer: Criminal Original Petition filed under Section 528 of B.N.S.S. to set aside the order of the lower Court in CrI.M.P.No.11379 of 2023 dated 06.07.2024 on the file of Judicial Magistrate-I, Villuppuram.

For Petitioner : Mr.L.Infant Dinesh

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



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ORDER

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This Criminal Original Petition has been filed by the petitioner to set aside the order of the lower Court in Crl.M.P.No.11379 of 2023 dated 06.07.2024 on the file of Judicial Magistrate-I, Villuppuram.

2. The case of the petitioner is that the petitioner is an accused in Crime No.45 of 2021 for the alleged offence under Section 420 IPC. After completion of enquiry, the respondent filed the charge sheet and the same has been taken on file in C.C.No.92 of 2023 on the file of the Judicial Magistrate No.1, Villuppuram. Meanwhile, the petitioner obtained certified copies of the complaint and FIR from the Judicial Magistrate No.1, Villuppuram in which, he observed that the district name i.e. "Villuppuram" had been deliberately inserted by way of hand written in a typed complaint and endorsed by the signature of the complainant. Based on such fabricated SOC, the DIG of Villuppuram range, issued a charge memo and further conducted a departmental charge enquiry as against the petitioner and punished him by way of removing from service.



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Hence, the petitioner approached DIG Villupuram range office, seeking relevant documents (i.e. complaint, FIR etc.) and also the punishment order against the petitioner so as to appeal before ADGP, L&O, Chennai and subsequently, he received the same. On a perusal of the complaint copy, to his utter shock and surprise, he noticed that, no hand written endorsement were found in the original complaint lodged by the defacto complainant namely Chellathurai, before the IG, North Zone Chennai. The said district name i.e."Villupuram" had been deliberately inserted subsequently so as to arrive the scene of occurrence to happened in front of Villupuram Collector Office. Hence, the petitioner filed a petition in C.M.P.No.11379 of 2023 under Section 91 Cr.P.C. before Judicial Magistrate No.1, Villupuram, seeking production of certain documents, but the learned Magistrate dismissed the same by order dated 06.07.2024 without considering the facts and circumstances of the case. Hence, the present petition is filed.

3. The learned counsel for the petitioner submitted that in order to meet



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out the jurisdiction, the respondent police in connivance with the other top police officials, inserted the district name "Villupuram" subsequently in the complaint by hand written whereas, a reading of the statement recorded under Section 161 Cr.P.C., from the defacto complainant, would clearly show that the defacto complainant has not stated anything about the Villupuram district. The learned Magistrate without considering the facts and circumstances, dismissed the petition. Therefore, the order passed by the Magistrate is liable to be set aside.

4. The learned Additional Public Prosecutor appearing for the respondent police submitted that even in the statement recorded from the defacto complainant under Section 161(3) Cr.P.C. on 27.01.2023, the said district name has been clearly mentioned by the defacto complainant.

5. Heard both sides and perused the materials available on record.

6. A perusal of the records shows that, in the original complaint, the district name i.e."Villupuram" is not found. Even in the statement recorded



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from the defacto complainant under Section 161 Cr.P.C. on 02.06.2022, the said district name is not found. However, it is seen that, after a period of six months, i.e. on 27.01.2023, once again a statement has been recorded from the defacto complainant under Section 161(3) Cr.P.C. in which, the said district name has been mentioned which shows that the said district name has been inserted deliberately as stated by the petitioner.

7. Therefore, the order passed by the Judicial Magistrate-I, Villuppuram, in Crl.M.P.No.11379 of 2023 dated 06.07.2024 is set aside.

8. The respondent is directed to produce the documents as mentioned in the application filed by the petitioner before the Court below.

9. With the above directions, this Criminal Original Petition is disposed of.

24.01.2025

Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

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To
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1. The Judicial Magistrate-I, Villuppuram.
2. The Deputy Superintendent of Police
District Crime Branch
Villuppuram District
Villuppuram
3. The Public Prosecutor
High Court of Madras



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P.VELMURUGAN. J.

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