



Crl.R.C.No.2275 of 2024

Crl.R.C.No.2275 of 2024

M. NIRMAL KUMAR, J.

Today, the matter is listed under the caption “For Being Mentioned” at the instance of the learned counsel for petitioner.

2.It is submitted that in paragraph 16 of the order dated 29.08.2025, it was typed as “Accordingly, the Criminal Revision case stands allowed and the impugned order dated 23.10.2024 passed by the learned Chief Judicial Magistrate, Puducherry in Crl.M.P.No.3 of 2024 in C.C.No.427 of 2024’ instead of “Accordingly, the Criminal Revision case stands allowed and the impugned order dated 23.10.2024 passed by the learned Chief Judicial Magistrate, Puducherry in Crl.M.P.No.3 of 2024 in C.C.No.427 of 2024 **is hereby set aside**”.

3.The Registry is directed to carry out the correction and issue fresh copy of the order dated 29.08.2025.

4. The issue is clarified, accordingly.

24.09.2025

drl



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Crl.R.C.No.2275 of 2024

M. NIRMAL KUMAR, J.

drl

Crl.R.C.No.2275 of 2024

24.09.2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

2/27



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Crl.R.C.No.2275 of 2024

RESERVED ON : 25.02.2025
PRONOUNCED ON : 29.08.2025

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.2275 of 2024
and Crl.M.P.No.17714 of 2024

G.Sureshkumar

... Petitioner

Vs.

State rep. By
SHO Vigilance and Anti Corruption Police Station,
Puducherry.
(In Crime No.02/2017)

... Respondent

PRAYER: Criminal Revision Petition filed under Section 438 r/w. 442 of BNSS, to call for the records of the impugned order dated 23.10.2024 passed by the learned Chief Judicial Magistrate, Puducherry in Crl.M.P.No.3 of 2024 in C.C.No.427 of 2024 and set aside the same.

For Petitioner : Mr.S.Karuppiah

For Respondent : Mr.K.S.Mohandass
Public Prosecutor (Puducherry)
Assisted by Ms.N.Dhanalatchoumy

ORDER

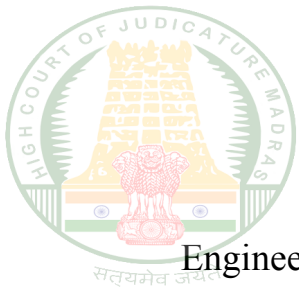


Crl.R.C.No.2275 of 2024

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The petitioner/accused in C.C.No.427 of 2024 who is facing trial for the offence under Sections 166, 182, 420, 468 and 471 IPC filed a discharge petition in Crl.M.P.No.3 of 2024 and the same was dismissed by the Trial Court by order dated 23.10.2024. Against which, the present revision petition is filed.

2.The case against the petitioner is that on 13.06.2007 the petitioner accepted the offer of appointment as Lecturer in the Department of Computer Science and Engineering under Other Backward Class [OBC] category in Pondicherry Engineering College, Kalapet, Puducherry. Subsequently on 26.06.2007, the petitioner applied for caste certificate for Other Backward Classes in civil posts and services under Government of India. This application signed by the petitioner was submitted to Tahsildar, Taluk Office, Puducherry with false information. The petitioner willfully suppressed his original caste Scheduled Caste (Parayan) and projected himself as though he belongs to Senguntha Mudaliar and obtained a caste certificate (OBC) vide Certificate Sl.No.9651/TOO/F/07 dated 02.07.2007. The said caste certificate was produced by the petitioner as genuine to the Pondicherry



Crl.R.C.No.2275 of 2024

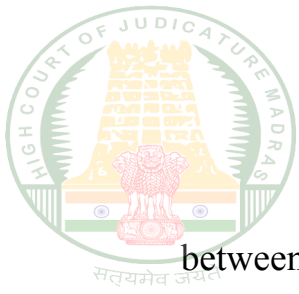
Engineering College authorities and joined as Lecturer in Computer Science on 03.07.2007 and worked till 22.08.2007 and thereafter resigned from the post giving reason that he is to join a Software Company. Later on verification of the petitioner's caste certificate, it was found that the petitioner suppressed his original caste as Scheduled Caste (Parayan) and with false declaration, obtained a certificate as Sengunthar Mudaliar (OBC), thereby the petitioner not only cheated the Government but denied employment for an eligible candidate under OBC Category and made a pecuniary gain of Rs.31,582/-. Hence, for the criminal misconduct as public servant he rendered himself punishable under Sections 166, 182, 420, 468, 471 IPC and Section 13(1)(d)(ii) r/w. 13(2) of Prevention of Corruption Act, 1988 [PC Act]. On completion of investigation, charge sheet filed before the Special Judge for Prevention of Corruption Act at Puducherry in C.C.No.3 of 2022. The petitioner filed a discharge petition in Crl.M.P.No.2943 of 2022 on the ground that no sanction obtained and hence, he cannot be prosecuted under the Prevention of Corruption Act. The learned Special Judge allowed the petition discharging the petitioner for the offence under Section 13(1)(d)(ii) r/w. 13(2) of PC Act by order dated 31.01.2024 and transferred the case to the jurisdictional Court. Thereafter, the case transferred to the learned Chief Judicial Magistrate, Puducherry and taken on file as



Crl.R.C.No.2275 of 2024

C.C.No.427 of 2024, in which, petitioner filed a discharge petition in Crl.M.P.No.3 of 2024 which was dismissed by the Trial Court. Against which, the present petition filed.

3.The contention of the learned counsel for the petitioner is that the offence under Section 166 IPC is not made out against the petitioner since he is not coming within the definition of Public Servant as defined under Section 21 IPC. Further, for the offence under Section 182 IPC the petitioner ought to have given false information with an intent to cause public servant to use his lawful power to the injury of any person, but on perusal of 161 statement of witness, it is clear that the petitioner gave no false information before any public servant. Likewise for the offence under Section 420 IPC, there must be inducement and delivery of property. In this case, the petitioner obtained a salary of Rs.31,582/- for the service rendered by him which cannot be brought under Section 420 IPC. Further, for the offence under Sections 468 and 471 IPC, the petitioner allegedly obtained OBC caste certificate dated 02.07.2007 from the Tahsildar, Puducherry and the said certificate cancelled by the District Collector vide order dated 31.05.2018 and hence, the facts of the case does not come under the ambit of forgery as defined under Section 463 IPC. He further submitted that in this case, a private matrimonial dispute



Crl.R.C.No.2275 of 2024

between the petitioner and his divorced wife Sathya manifested and given a criminal colour. The petitioner and his divorced wife Sathya, both studied together during the period 1998-2001 in AVC engineering College, Mayiladuthurai, at that time, they became friendly and developed good relationship. The petitioner belongs to Scheduled Caste community which is known to one and all in the College, on several occasion his community verified which is known to all his classmates including his divorced wife Sathya, after graduation, Sathya got employment in Mailam Engineering College and her parents were searching for a bridegroom for her marriage. The parents of Sathya on coming to know about petitioner and Sathya relationship, the petitioner was called by her parents and he evinced in marrying Sathya. Both parents accepted the marriage proposal and engagement held during March 2002 followed by the marriage on 27.06.2002 at Subramaniaswamy Temple, Swamimalai. Out of their wedlock, they were blessed with a girl child during April 2003. Thereafter, both the petitioner and L.W.9/Sathya got employed in Manakula Vinayagar Engineering College as Lecturers.

4.During June 2007, the petitioner applied for Lecturer post in Pondicherry Engineering College under OBC category. Since after marriage



Crl.R.C.No.2275 of 2024

to Sathya who belongs to Senguntha Mudaliar community, his in-laws insisted the petitioner to shred his birth caste and a community certificate for the petitioner as Senguntha Mudaliar community arranged by his inlaws. The Tahsildar, who received the application directed the Village Administrative Officer (VAO) of Saram revenue village, Thattanchavadi revenue village and Uppalam revenue village, where the petitioner was residing from the year 2002-2008, to collect details, all VAOs confirm the nativity of the petitioner in the said places. Further, Thattanchavadi VAO confirms that he conducted spot enquiry, confirmed the petitioner residing with family in the area dominated by Senguntha Mudaliar, the petitioner's in-laws and relatives enquired, all confirmed the petitioner belonging to Senguntha Mudaliar community and thereafter positive report given. Based on the report, the Tahsildar/L.W.14 issued the Community Certificate. Later due to the matrimonial discord, the petitioner and his wife got separated and divorce obtained on 03.05.2011, from 2002 after marriage there was no quarrel about the petitioner ordained to Senguntha Mudaliar community, after his divorce, his divorced wife and his in-laws supported by Dr.MAS.Subramanian, State Organizer, DMK Party, who also belongs to their clan, orchestrated a plan and lodged a complaint as though the petitioner had given false particulars and obtained the community certificate as OBC and knowingly used the false



Crl.R.C.No.2275 of 2024

certificate to get employment. In fact, the petitioner is a victim of circumstances. The petitioner's father is a Government servant employed in the Revenue Department in the Government of Tamil Nadu. Hence, there is no secrecy of his community status as Scheduled Caste (Parayan). The petitioner within a period of 51 days resigned from the Lecturer job at Pondicherry Engineering College since his conscious did not allow him to carry the Senguntha Mudaliar tag. The petitioner worked sincerely from the date of his appointment and earned his respect. The entire episode happened in the year 2007 and the issue died down after the divorce of the petitioner from Sathya, this episode magnified, manifested and a complaint generated through Dr.MAS.Subramanian, State Organizer, DMK Party, Puducherry, who gave a petition to the Lieutenant Governor, which was forwarded to the Superintendent of Police, Vigilance and Anti-Corruption, Government of Puducherry, who conducted enquiry, collected documents, enquired all concerned and a report submitted on 01.09.2016. Thereafter, the same forwarded to the respondent who registered FIR and filed a charge sheet listing witnesses and documents.

5.The learned counsel further submitted that the petitioner's OBC community certificate was cancelled on 31.05.2018. In this case, charge

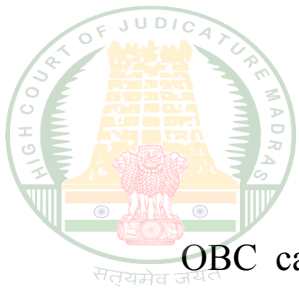
9/27



Crl.R.C.No.2275 of 2024

sheet was filed on 04.08.2022. The mistake already rectified. The facts clearly prove that the petitioner neither made false representation nor created forged documents and knowingly projected the same as genuine and cheated anybody. He would further submit that in this case, the persons behind are his in-laws who wanted the petitioner to be ordained as Senguntha Mudaliar community person for their own pride in their community, now due to matrimonial discord created the present quandary. The petitioner and his wife Sathya got divorced and the petitioner now married another women and have a son The above case has been foisted with vengeance and venom. The petitioner participated in a competitive examination in open category, got selected and now posted as Assistant Professor, Pondicherry University (Karaikal Centre). The petitioner was arrested on 22.12.2017, faced disciplinary proceedings, his wife and child are put to untold misery and sufferings. Normally person who belong to higher caste, get community certificate claiming they belong to lower caste to avail the benefits of reservation, but in this case, the petitioner belonging to lower Scheduled caste community got employment as OBC candidate at the instance of his in-laws who wanted to screen the petitioner's social status, otherwise it would hurt the pride and social standing of his inlaws. He further submitted that after the petitioner resigned from Pondicherry Engineering College, the waiting list

10/27



Crl.R.C.No.2275 of 2024

OBC candidate P.Diana was given appointment and hence, there was no denial or loss to any OBC candidate.

6.The learned counsel for the petitioner relied upon the decision of the Bombay High Court in the case of ***Sanjiv Ratanappa Ronad and another vs. Emperor*** reported in ***1932 SCC Online BOM 23*** for the principle that to constitute the offence of forgery, the document must be made dishonestly or fraudulently and the first meaning being to deprive one of a right, either by obtaining something by deception or artifice, or by taking something wrongfully without the knowledge or consent of the owner. In the present case, the application made by the petitioner seeking community certificate as Senguntha Mudaliar not produced which is the primary document. Hence, the alleged forged document which is a *corpus delicti* not produced. He further relied upon the decision of the Apex Court in the case of ***Dr.Vimla vs. Delhi Administration*** reported in ***1962 SCC Online SC 172*** for the point that defraud involves two elements, namely, deceit and injury to the person deceived and it will include any harm whatever caused to any person in body, mind, reputation or such others. He further relied upon the decision of the High Court of Punjab and Haryana at Chandigarh in the case of ***Tarsem Singh vs. State of Punjab*** reported in ***2016 SCC Online P&H 6873*** and the



Crl.R.C.No.2275 of 2024

decision of this Court in the case of *Perumal and others vs. S.Mahendran*
[CrlO.P.NO.20364 of 2018 dated 17.03.2022].

7.The learned Public Prosecutor (Puducherry) filed his counter and submitted that in this case on 21.12.2017 a complaint was lodged by the Principal, Pondicherry Engineering College, Puducherry against the petitioner for having furnished a caste certificate as OBC Sengunthar knowing well that he does not belong to OBC Sengunthar and belong to Scheduled Caste (Hindu Parayar) and got recruited as Lecturer in Computer Science and Engineering Department in Pondicherry Engineering College and served from 03.07.2007 to 22.08.2007, thereby obtained pecuniary advantage to the tune of Rs.31,582/- as salary and other allowances. A case in Crime No.2 of 2017 registered for the offence under Sections 166, 182, 420, 468, 471 IPC and Section 13(2) of PC Act. The State Organizer, DMK Party, Dr.MAS.Subramanian lodged a petition to the Lieutenant Governor alleging that a forged caste certificate produced by the accused and obtained Lecturer post in Pondicherry Engineering College. Based on the petition, enquiry conducted by the Sub-Inspector of Police, Vigilance and Anti Corruption Wing which revealed that the petitioner was born and brought up at Iyyanarpuram, Pudukottai Taluk, his father Govindarajan was a Revenue



Crl.R.C.No.2275 of 2024

Inspector and the petitioner belongs to Scheduled Caste (Hindu Parayar)

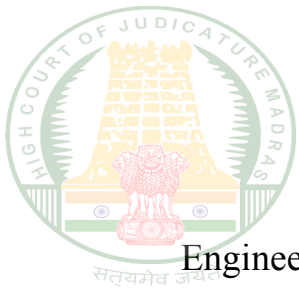
community as per his school and college records. After completing his Engineering Degree in the year 2001 at Bharathidasan University, Tiruchirapalli, he shifted to Puducherry, got a job as Lecturer in Sri Manakulavinayar Engineering College. In the year 2002, the petitioner married one Sathya, who hails from Sengutha Mudaliar community. The petitioner is known to the said Sathya from his College days. It is also found that in the marriage invitation, the name of the petitioner's grandfather mentioned as K.Marimuthu Mudaliar. Hence, the petitioner and his family members suppressed and withheld the original caste status, but projected as though they all belong to Senguntha Mudaliar community and married Sathya. Both the petitioner and his wife employed in Sri Manakulavinayagar Engineering College.

8.The learned Public Prosecutor (Puducherry) further submitted that later the petitioner developed extra-marital affair with an elderly women in the same College, despite objections by his wife Sathya, the petitioner continued his activities and for this reason the petitioner and his wife got



Crl.R.C.No.2275 of 2024

separated. The petitioner obtained divorce from his wife, married another woman and living with her in Karaikal. During July 2007, the petitioner obtained OBC caste certificate to get employment in Pondicherry Engineering College. A public notice was issued on 12.08.2006 for appointment of qualified candidates for the Lecturer post in the Department of Computer Science and Engineering, four vacancies reserved for Unreserved category and one vacancy for OBC candidates. The petitioner approached the Tahsildar, Oulgaret, Puducherry, submitted an application declaring that he belongs to Senguntha Mudaliar Community and his application was forwarded to L.W.6 to L.W.8, Village Administrative Officers where the petitioner resided. L.W.6 gave nativity certificate. L.W.7 visited the petitioner's residence at Thatanchavadi, conducted spot enquiry, enquired the petitioner's father-in-law and other in-laws and finding that the petitioner is residing in Senguntha Mudaliar's hub, furnished a positive report favouring the petitioner. Based on which, L.W.4/Tahsildar issued the community certificate on 02.07.2007. The petitioner right from his school days upto College claimed that he belongs to Scheduled Caste (Parayar) Community. His father employed in the revenue department with same community status. This being so, suppressing his birth and community, the petitioner obtained OBC caste certificate and got employed in Pondicherry



Crl.R.C.No.2275 of 2024

Engineering College. Thereafter, fearing for consequential actions, he resigned from his employment. After his resignation, the petitioner applied for employment in Pondicherry University (Karaikal Centre) and got employed as Assistant Professor. This time in Open Category. The petitioner knowingly gave a false declaration, cheated the Government servants and obtained forged community certificate which is now cancelled by the orders of the District Collector. On completion of investigation, charge sheet filed before the learned Special Judge under Prevention of Corruption Act. The petitioner filed a discharge petition and the learned Special Judge found the prosecution under the Prevention of Corruption Act is without sanction under Section 19 of PC Act and hence, discharged the petitioner from Prevention of Corruption Act, transferred the case to the Chief Judicial Magistrate, Puducherry which was taken on file in C.C.No.427 of 2024. At this stage, the petitioner filed a discharge petition seeking to discharge him from the offence under Sections 166, 182, 420, 468 and 471 IPC. The learned Chief Judicial Magistrate, Puducherry discharged the petitioner for the offence under Section 166 IPC but directed the petitioner to face trial for the offence under Sections 182, 420, 468 and 471 IPC. He further submitted that there are sufficient materials to proceed against the petitioner. Hence prayed for dismissal.

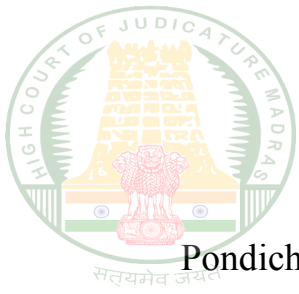
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Crl.R.C.No.2275 of 2024

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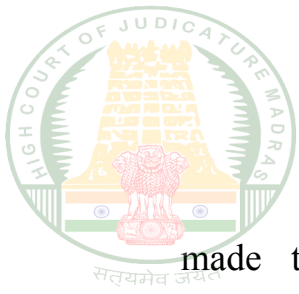
9.Considering the submissions made and on perusal of the materials, it is seen that the petitioner was recruited to the post of Lecturer in Pondicherry Engineering College. The Department of Computer Science Engineering in the year 2006 notified for recruitment of 5 Nos. of Lecturers, four under unreserved category and one under OBC category by notification dated 12.08.2006. The petitioner was given offer of appointment on 13.06.2007, he joined as Lecturer in Computer Science and Engineering Department under OBC quota, on 03.07.2007, produced relevant certificates including his community certificate as Senguntha Mudaliar (OBC). On 23.07.2007 the petitioner submitted a letter addressed to the then Principal of Pondicherry Engineering College to accept his resignation since he had an offer to join as Software Engineer and petitioner's resignation accepted on 22.08.2007. The petitioner served as Lecturer for 51 days from 03.07.2007 to 22.08.2007 and claimed Rs.30,316/- as salary and Rs.1,266/- as DA arrears, in total, Rs31,582/-, which is now projected as an injury to another eligible person who was in the waiting list. The waiting list candidate one P.Diana was appointed as Lecturer after the petitioner's resignation. The said P.Diana not lodged any complaint for any loss or injury. The above case originated on the complaint by one Dr.MAS.Subramanian, State Organizer, DMK Party,



Crl.R.C.No.2275 of 2024

Pondicherry to Lieutenant Governor of Pondicherry which was forwarded to the Chief Vigilance Officer, who forwarded the same to the Superintendent of Police, Vigilance and Anti Corruption to conduct an enquiry. Thereafter, enquiry conducted, enquiry report dated 01.09.2016 submitted and a case in Crime No.2 of 2017 registered on 21.02.2017. The petitioner arrested, remanded and on completion of investigation, charge sheet filed including the offence of Prevention of Corruption Act before the learned Special Judge in C.C.No.3 of 2022. Thereafter, finding that there is no sanction for prosecution under PC Act, the petitioner was discharged from the Prevention of Corruption Act, hence the case transferred to the Chief Judicial Magistrate, Puducherry and the same taken in C.C.No.427 of 2024 for IPC offence. The undisputed fact is that the petitioner and Sathya (L.W.9) were in love with each other since their College days at AVC Engineering College, Mayiladuthurai, thereafter engagement held during March 2002, marriage performed on 27.06.2002 at Subramaniaswamy Temple, Swamimalai and they were blessed with a girl child during April 2003. Both the petitioner and his divorced wife Sathya were employed together in Manakulavinayagar Engineering College, Puducherry till 2007.

10.The complaint of Sathya is that till 2007, she and her parents were



Crl.R.C.No.2275 of 2024

made to believe that the petitioner belongs to Senguntha Mudaliar community suppressing the fact that he is from Scheduled Caste Hindu Parayan community. Further, there was matrimonial discord, for the reason the petitioner developed extra marital affair with an elderly lady named K.Rajalakshmi, a Professor. The petitioner by force, obtained divorce by mutual consent from Sathya on 03.05.2011 and thereafter the petitioner married his student Sowmiya, the present wife. The respondent police on receipt of the enquiry report registered a case. On perusal of the enquiry report, it is seen that seven persons examined, statements recorded but the informant not appeared for enquiry. The persons enquired are Mr.R.Adikesavan, VAO of Saram Village, Mr.Ulaganathan, VAO of Thattanchavadi Village, Mr.Devadoss, VAO of Uppalam Village, the petitioner's divorced wife Sathya and Mr.M.S.Ramesh, Tahsildar, Oulgaret, Puducherry and the petitioner. The VAOs confirm petitioner's residence in Puducherry and conducted spot inspection, gave reports and thereafter, the Tahsildar issued the community certificate to the petitioner as Senguntha Mudaliar. During investigation of the present case, the above said persons and the other witnesses from Pondicherry Engineering College, the co-applicants along with the petitioner, the members of the District Committee who cancelled the petitioner's community certificate as Senguntha Mudaliar



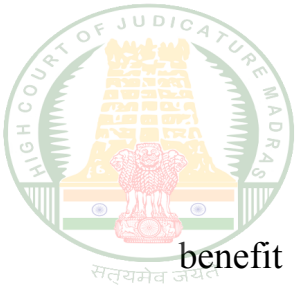
Crl.R.C.No.2275 of 2024

examined and statements recorded. The foundational fact is that the petitioner applied for Lecturer post under OBC category, he was selected and thereafter he was asked to produce the community certificate. L.W.6/VAO of Saram Village confirms that L.W.14/Tahsildar forwarded the petitioner's application for issuance of community certificate to him to verify and submit a report. L.W.6 finding that the petitioner was residing less than five years in the said address forwarded the report to the Tahsildar, Uzhavankarai with the nativity certificate alone. Thereafter, the application forwarded to L.W.8/VAO, Uppalam, who also gave a nativity certificate. Again it was forwarded to L.W.7/VAO, Thattanchavadi, who on receipt of the reports from L.W.6 and L.W.8, conducted spot inspection, verified educational certificates of the petitioner, voter identity card and LIC documents and found petitioner hails from the State of Tamil Nadu. Further, the petitioner's inlaws and local residents enquired, who all confirmed petitioner residing with his wife and daughter in Muthialpet, which is predominantly Senguntha Mudaliar community settlement. Thereafter, L.W.7 gave a positive report for issuance of community certificate to L.W.14. On the reports of VAOs/L.W.6, L.W.7 and L.W.8, the Tahsildar/L.W.14 issued the community certificate to the petitioner and the same submitted to Pondicherry Engineering College. Admittedly, the petitioner served only for 51 days and



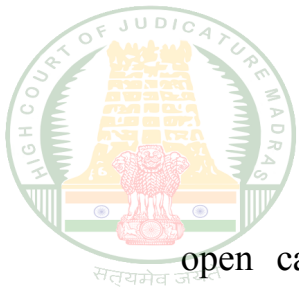
Crl.R.C.No.2275 of 2024

thereafter resigned. These incidents happened during the year 2007, the petitioner obtained divorce from his wife in the year 2011 due to matrimonial discord, three years thereafter in the year 2014, the case was initiated on the complaint of a political functionary who is associated with his inlaws. The petitioner's father is a Revenue Inspector posted in Pudukottai District. The petitioner belonging to Scheduled Caste Hindu Parayan Community recorded in all documents from his student days in School, College and in all educational institutions where he studied. The contention of Sathya that the petitioner not disclosed his community when they were studying in AVC Engineering College, Mayiladuthurai is far fetched. The petitioner and Sathya were in love with each other and for the purpose of marriage, the petitioner was projected as Senguntha Mudaliar in the family circle of Sathya in Puducherry and for this reason, the marriage invitation shows petitioner belongs to Senguntha Mudaliar Community. After marriage, they were living happily till they got separated. Till such time, there was no complaint. The community certificate was issued by L.W.14 and prior to it, L.W.6, L.W.7 and L.W.8 conducted spot inspection and thereafter community certificate issued, during this period, the petitioner and Sathya living together as husband and wife. It is not in dispute that in the Union Territory of Puducherry, issuance of community certificate for availing any reservation



Crl.R.C.No.2275 of 2024

benefit in Union Territory for all categories, preference given to the native resident i.e., their place of origin must be Puducherry and the persons who shifted domicile in Puducherry are denied of any such benefit and they are termed as migrants. The reservation benefits is only for the origins and not for the migrants. In this case, the petitioner hails from Pudukottai, thereafter for employment he came to Puducherry which is not in dispute and in such circumstances, the revenue authorities issuing community certificate as Senguntha Mudaliar community is due to improper enquiry and duty is cast upon the revenue authorities to conduct field inspection and to verify documents, enquire local residents and others. In this case, the petitioner's application for community certificate as OBC which is a primary document not produced. Further, the revenue officials absolved and shielded for their acts, for the reason it is a self declaration submitted by the petitioner. In this case, L.W.2 and L.W.3 are the co-applicants who belong to Most Backward Class [MBC], since they qualified to be considered in the open category they were selected under open category. The candidate who was in waiting list in OBC Category Diana, after petitioner's resignation was employed. Hence there is no damage or denial to the rightful candidate. The other allegation against the petitioner for the subsequent employment in Pondicherry University (Karaikal Centre) as Assistant Professor in getting selected in



Crl.R.C.No.2275 of 2024

open category cannot be faulted with. In the marriage invitation the petitioner projected hailing from Senguntha Mudaliar community is by his inlaws, to save their pride, a self serving documents. The petitioner's father is employed as Revenue Inspector in the State of Tamil Nadu under Scheduled Caste category and in all educational certificates of the petitioner, it is recorded that the petitioner belongs to Scheduled Caste Hindu Parayan community and it is only after the marriage, the petitioner ordained as Senguntha Mudaliar community by his inlaws, who have facilitated petitioner to acquire the community certificate as Senguntha Mudaliar community. Admittedly, the petitioner served as Lecturer in Pondicherry Engineering College only for 51 days in the year 2007 and thereafter, he resigned and now he is employed in Pondicherry University (Karaikal Centre) as Assistant Professor. It is clear that the foundational fact of the forgery is that the petitioner made declaration in his application requesting for community certificate as Senguntha Mudaliar, it is the duty and responsibility of the revenue officials L.W.6, L.W.7, L.W.8 and L.W.14 to have conducted proper enquiry by spot inspection and thereafter to have issued community certificate. The revenue officials for the obvious reasons now shifting the onus on the petitioner, further the inlaws projected the petitioner as Senguntha Mudaliar for their own reasons, now makes a turn around after



Crl.R.C.No.2275 of 2024

divorce of petitioner and Sathya and projected a case of forgery against the petitioner due to private and personal grudge.

11.In this case, admittedly the District Committee cancelled the petitioner's community certificate on 31.05.2018. The FIR in this case registered nine years thereafter on 21.02.2017. Thus even before registration of FIR, the created mistake corrected. The petitioner got employment in Pondicherry University (Karaikal Centre) and residing with his wife and a child at Karaikal.

12.Thus the above case is nothing but a manifestation of matrimonial discord between the petitioner and his divorced wife. The projection of the petitioner as he belongs to Senguntha Mudaliar of Other Backward Community suppressing his real community of Scheduled Caste (Parayan) is far fetched. The petitioner and his divorced wife were classmates prior to their marriage, studying in College together, thereafter employed together and living together. In fact the petitioner uprooted himself from his native Pudukottai and thereafter, he got settled in Puducherry along with his wife and in-laws. The revenue officials confirms that his father-in-law and his in-laws confirmed that the petitioner belongs to Senguntha Mudaliar. Thus the



Crl.R.C.No.2275 of 2024

petitioner is a victim of circumstances and no *mens rea* could be attributed to his act. Now the community certificate obtained as Senguntha Mudaliar has been cancelled, the petitioner obtained new community certificate with his original caste name and he got employment. It is a fact that if a person belongs to Scheduled Caste, by his community status he stands to gain and not otherwise. Thus, there is no suppression by the petitioner. In view of the above, it is clear that in vengeance to spike venom the above case was foisted against the petitioner.

13.The Hon'ble Supreme Court in the case of *State of Haryana and others vs. Ch.Bhajan Lal and others* reported in *1992 AIR 604*, the Apex Court categorised the cases wherein powers could be exercised either to prevent abuse of process of any Court or otherwise to secure the ends of justice, where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite venom due to private and personal grudge.

14.In the present case, it is the in-laws of the petitioner who wanted to



Crl.R.C.No.2275 of 2024

remove the stigma of petitioner's community and root him to their community is the reason for the entire episode. Hence, this Court is of the view that the petitioner is the victim of circumstances.

15.From the above, it is clear that the offence of forgery which is the foundational fact of the above case and other allied offences not made out.

16.Accordingly, the Criminal Revision Case stands allowed and the impugned order dated 23.10.2024 passed by the learned Chief Judicial Magistrate, Puducherry in Crl.M.P.No.3 of 2024 in C.C.No.427 of 2024. The petitioner is discharged from all the charges levelled against him.

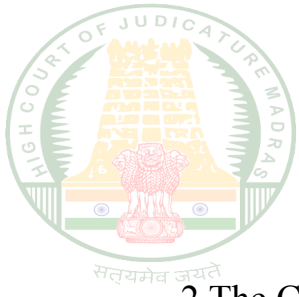
29.08.2025

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
cse

To

1.The Station House Officer,
Vigilance and Anti Corruption Police Station,
Puducherry.

25/27



Crl.R.C.No.2275 of 2024

2.The Chief Judicial Magistrate,
Puducherry.

3.The Public Prosecutor,
Puducherry.



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Crl.R.C.No.2275 of 2024

M.NIRMAL KUMAR, J.

cse

Pre-delivery order made in

Crl.R.C.No.2275 of 2024

29.08.2025