



Crl.O.P.(MD) No.17291 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on	14.10.2025
Pronounced on	.10.2025

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD) No.17291 of 2025

and

Crl.M.P.(MD) Nos.14065 & 14066 of 2025

A.Saravanan

... Petitioner

Vs.

1.The State rep. by
The Inspector of Police,
District Crime Branch,
Dindigul, Dindigul District.

2.K.Dhanasekaran,
Assistant Treasury Officer,
Nilakottai Sub-Treasury,
Nilakottai Post,
Dindigul District.

... Respondents

Prayer : Criminal Original Petition filed under Section 528 of Bharathiya Nagarik Suraksha Sanhita, 2023 to call for the records pertaining to C.C.No.590 of 2022 on the file of the learned Judicial Magistrate No.II, Dindigul, Dindigul District and quash the same insofar as the petitioner is concerned.



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For Petitioner : Mr.K.P.S.Palanivelrajan,
Senior Counsel
for Mr.T.Sakthikumaran

For R1 : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to quash the final report filed in C.C.No.590 of 2022, on the file of the learned Judicial Magistrate No.II, Dindigul, Dindigul District, in respect of the offences punishable under Sections 120(b), 409, 420, 465, 468 and 471 of the Indian Penal Code, 1860.

2. The allegation in the final report is that the petitioner was in charge of the Government Kallar Higher Secondary School, Anaipatti, Nilakottai, from 04.09.2008; that he was also the drawing officer of the school responsible for approving the salary bills of the teachers of the school; that the second accused, who was working in the said school as a Junior Assistant, had prepared the forms to be forwarded to the second respondent for clearance of the salaries of the teachers and staffs; that he had raised salary bills in respect of teachers who had been transferred from the said school; and that the petitioner, in collusion with the second

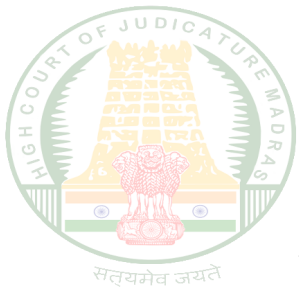


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accused, had submitted the said forms to the second respondent and thereby caused a loss to the tune of Rs.19,85,428/-, and thus committed the aforesaid offences.

3. The learned Senior Counsel for the petitioner submitted that the second accused had forged the signature of the petitioner and raised bills in respect of ten teachers who had been transferred from April 2010 to September 2012; that the petitioner had lodged a complaint stating that his signature was forged; that all the amounts were credited to the account of the second accused; that as per the Tamil Nadu Treasury Rules, the officials of the Treasury and the second respondent himself are liable for violation of the Rules by crediting all the salaries of the teachers to the account of the second accused; that, in order to cover up their misdeeds, the petitioner has been falsely implicated; and that since the petitioner had not benefited financially, the impugned prosecution against the petitioner is nothing but an abuse of the process of law.

4. Heard the learned Additional Public Prosecutor for the first respondent police.



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5. The case of the prosecution is that the petitioner had signed the forms said to have been prepared by the second accused in respect of the salary bills of the teachers who had allegedly been transferred; and that, although the entire amount was credited to the account of the second accused, the petitioner had signed the forms for the salary bills in conspiracy with the second accused. The petitioner's submission that he had lodged a complaint stating that his signature was forged by the second accused has to be established before the trial court, and in this quash petition, such a factual dispute cannot be adjudicated.

6. That apart, the fact that the treasury officials could also be involved in the offence, and therefore that the prosecution against the petitioner is *mala fide*, cannot be adjudicated by this Court in this quash petition. It is needless to say that if the Trial Court finds, during the course of trial, that some other persons were also involved in the offence, the Trial Court can invoke its power under Section 319 of the Cr.P.C. to summon those persons to face the trial. The said fact cannot be a ground to quash the impugned prosecution against the petitioner. Since the points raised by the petitioner are all factual in nature, this Court is not inclined to entertain this petition. The petitioner is at liberty to raise all these



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submissions before the Trial Court. The Trial Court shall consider the same without being influenced by any of the observations of this Court.

7. However, the personal appearance of the petitioner before the trial court is dispensed with except when his presence is required by the trial court for the progress of the trial, provided he is represented by a counsel.

8. With the above observations, this Criminal Original Petition is dismissed. Consequently, the connected Miscellaneous Petitions are closed.

.10.2025

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Index: Yes/ No

Neutral Citation: Yes / No

Speaking Order/Non Speaking Order

Copy To:

1.The Judicial Magistrate No.II,
Dindigul, Dindigul District.

2.The Inspector of Police,
District Crime Branch,
Dindigul, Dindigul District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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SUNDER MOHAN, J.

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Pre-Delivery Order made
in
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.10.2025