

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-8-2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CrI.OP No.17223 of 2015

Indrani Bai

.. Petitioner

Vs.

1. The State rep.by
The Superintendent of Police,
Krishnagiri District, Krishnagiri.
2. The Deputy Superintendent of Police,
District Crime Branch,
Office of the Superintendent of Police,
Krishnagiri District, Krishnagiri.
3. The Station House Officer,
Rayakottai Police Station,
Krishnagiri District. ... Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to direct the second respondent to register a case on the complaint of the petitioner dated 1.6.2015 by entering an FIR and to expeditiously and effectively investigate the same within the time frame that may be specified by this Court.

For Petitioner : Mr.G.Prabhakaran

For Respondents : Mr.C.Emalias,
Addl.Public Prosecutor

O R D E R

This petition has been filed to direct the second respondent to register a case on the complaint of the petitioner dated 1.6.2015 by entering an FIR and to expeditiously and effectively investigate the same within the time frame that may be specified by this Court.

2. Heard the learned counsel appearing for the petitioner as well as the learned Additional Public Prosecutor appearing for the State.

3. It is the case of the petitioner that her husband Ramachandra Rao died on 12.9.2002 leaving behind the petitioner and

their son. Her son also died in 2014. Now one Madheva Rao, said to be a nephew of Ramachandra Rao, is claiming right in the properties of Ramachandra Rao through a forged will dated 23.8.2002, which has been filed as document in O.S.No.71 of 2015 on the file of the District Munsif Court, Denkanikottai.

4. It is settled law that when a document is fabricated outside the Court and later filed in the Court, police investigation is not precluded as held by the Constitution Bench Judgment of the Supreme Court in Iqbal Singh Marwah v. Meenakshi Marwah reported in 2005 AIR SCW 1929.

5. Under such circumstances, the petitioner is directed to lodge a fresh complaint before the third respondent police and on such complaint being made, the third respondent is directed to conduct enquiry, and during the course of the enquiry, if any cognizable offence is made out, a regular case shall be registered, following the law laid down by the Hon'ble Supreme Court in Lalita Kumari Vs. Government of Uttar Pradesh and Others reported in (2014) 2 SCC 1.

The Criminal Original Petition is closed with the above directions.

Sd/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

vr

To

1. The Superintendent of Police, Krishnagiri District, Krishnagiri.
2. The Deputy Superintendent of Police, District Crime Branch, Office of the Superintendent of Police, Krishnagiri District, Krishnagiri.
3. The Station House Officer, Rayakottai Police Station, Krishnagiri District.
4. The Public Prosecutor, High Court, Madras.

+1 cc to Mr.G.Prabakaran, Advocate, sr.43249.

Cr1.O.P No.17223 of 2015

jp(co), kra(27/08)