

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.08.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP No.20636 of 2015

S.Subbulakshmi

..Petitioner/Defacto Complainant

Vs

The State of Tamil Nadu,
Rep. By the Inspector of Police,
Esplanade Police Station, Chennai.

.. Respondent

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to direct the respondent to register an F.I.R., on the petitioner's complaint dated 16.07.2015 sent to the respondent by SPAD on 21.07.2015 and received by the respondent on 22.07.2015 and to investigate the same.

For Petitioner : Mr.S.Anil Sandeep

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

O R D E R

This petition has been filed to direct the respondent to register an F.I.R., on the petitioner's complaint dated 16.07.2015 sent to the respondent by SPAD on 21.07.2015 and received by the respondent on 22.07.2015 and to investigate the same.

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

3.It is the case of the petitioner that her signature is being consistently forged by the accused by filing several cases in her name. One such case is in O.S.No.2216 of 2012, in which, the accused have even obtained a decree before the Lok Adalat by forging the petitioner's signature. In this regard, the accused filed Crl.O.P.No.966/2015 before this Court and during the hearing, it was brought to the notice of this Court that the signature of this petitioner in the Vakalat in Crl.O.P.No.966/2015 has also been forged by the accused. This Court conducted enquiry and also gave findings by orders dated 24.04.2015 & 16.06.2015.

4. In this regard, the petitioner lodged a complaint dated 16.07.2015 to the respondent herein and since, no action has been taken by the respondent, she has approached this Court seeking a direction to the respondent police to register an F.I.R.

5. The suspects in this case who allegedly forged the signature of the petitioner are all in and around Coimbatore. They have filed the suit in O.S.No.2216/2012 before the learned District Munsif, Coimbatore wherein, the signature of this petitioner has been forged. It is also represented that in O.S.No.402/2014 filed by one Sathyamurthy, the accused have forged the signature of this petitioner in the Vakalat and written statement. The proceedings in Crl.O.P.No.966/2015, in which, the signature of the petitioner in the Vakalat that was filed before this Court is part of the same transaction.

6. This Court is of the view that the Inspector of Police, Esplanade Police Station, will not have necessary jurisdiction to investigate the case of this magnitude. Therefore, this Court directs the petitioner to give a fresh complaint narrating about the forgery committed by the accused in O.S.No.2216/2012 and O.S.No.402/2014 before the Superintendent of Police, Crime Branch CID who shall nominate a competent Officer who shall register an F.I.R., and proceed with the investigation with regard to the forgeries allegedly committed by the accused in respect of the cases in Coimbatore as well in Crl.O.P.No.966/2015 filed before this Court. It may be relevant to state here that the police investigation is not precluded in a case of this nature where forgery has been committed outside the Court and the forged document filed in the Court as held by the Constitution Bench of the Hon'ble Supreme Court in Iqbal Singh Marwah and another v. Meenakshi Marwah and another [(2005) 4 SCC 370]. The Investigating Officer can collect the forged documents by approaching the Registry of this Court and also the other documents in the District Munsif's Court by approaching the concerned Judicial Officer for the purpose of investigation. At the request of the Investigating Officer, a photocopy of the alleged forged vakalat and document can be retained in the case bundle and the original handed over to the Investigating officer under due acknowledgment for his investigation.

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

jbm

s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

1.The Inspector of Police,
Esplanade Police Station,
Chennai.

2.The Superintendent of Police,
Crime Branch CID,
Chennai.

3.The Section Officer,
Criminal Section,
High Court, Madras.

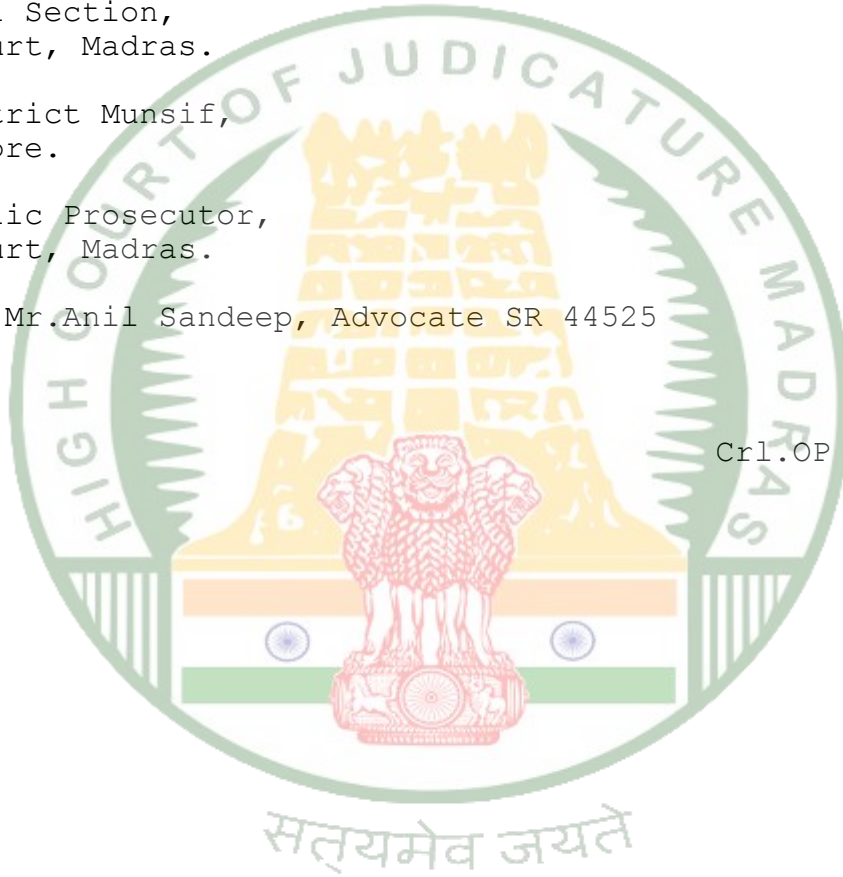
4.The District Munsif,
Coimbatore.

5.The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.Anil Sandeep, Advocate SR 44525

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