

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.03.2015

CORAM

THE HON'BLE MR. JUSTICE R.S.RAMANATHAN

Crl.O.P.No.8170 of 2015

M.Vijayalakshmi

...Petitioner

vs.

The State Represented by
Inspector of Police (L & O)
St. Thomas Mount
Chennai - 16

... Respondents

Criminal Original Petition filed under Section 482 of the Criminal Procedure Code to direct the respondent to register First Information Report based on the complaint dated 26.12.2013 submitted by the petitioner.

For Petitioner : Mr.V.Sukumar

For Respondent : Mr.M.Maharaja
Additional Public Prosecutor

O R D E R

This petition has been filed to direct the respondent to register First Information Report based on the complaint given by the petitioner dated 26.12.2013.

2. It is submitted by the learned counsel for the petitioner that Karunakaran and Leela produced forged VAO Certificate in O.S.No.438 of 2012 on the file of the Additional District Munsif, Alandur and the petitioner got the certified copy of the said certificate filed by the said Karunakaran and Leela in O.S.No.438 of 2012 and filed in I.A.No.1003 of 2012, the application filed by the petitioner for rejection of plaint in O.S.No.438 of 2012 and the application filed by the petitioner for rejection of plaint was allowed by order dated 11.12.2012. He also submitted that in Paragraph 9 of the order, the learned District Munsif also gave a finding that the certificate issued by VAO was not a genuine one as per the letter issued by the same VAO and the plaintiffs have not approached the Court with clean hands and filed the suit with an

intention of abuse of process. He, therefore, submitted that a case has to be registered against Karunakaran and Leela for having produced the forged certificate.

3. I am unable to accept the contention of the learned counsel for the petitioner. It is submitted that the document was produced before the Court and it was found to be forged and in that case, the learned Judge, who delivered judgment, ought to have given a finding about the forged nature of the document and he ought to have given the complaint as per the provisions of 195 and 340 Cr.P.C and police cannot register a case.

4. Hence, this Criminal Original Petition is dismissed.

gpa

-s/d-
Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

To

1. The Inspector of Police (L & O)
St. Thomas Mount
Chennai - 16
 2. The Public Prosecutor
High Court, Madras.
- + 1 cc to Mr.V.Sukumar Advocate SR 18767

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