

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27.07.2016

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THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Cr1.OP.No.14627 of 2016

K.Parimala ... Petitioner/Defacto
Complainant

Vs

The State by Inspector of Police,
Sathyamangalam Police Station,
Erode District. ... Respondent/Complainant

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to direct the respondent police to complete the investigation and file charge sheet in Crime No.161 of 2014 within the time frame fixed by this Court.

For Petitioner : Mr.D.R.Arun Kumar

For Respondent : Mr.C.Emalias, APP

O R D E R

This petition has been filed to direct the respondent police to complete the investigation and file charge sheet in Crime No.161 of 2014 within the time frame fixed by this Court.

2. Heard the learned counsel for the petitioner; learned Additional Public Prosecutor appearing for the respondent and perused the materials placed on record.

3. On the complaint lodged by the petitioner, the respondent Police registered a case in Crime No.161 of 2014 for offences under Section 120[b], 463, 464, 467, 468, 470, 471, 474, 191, 192, 193, 196, 199, 200, 209, 420 and 511 of IPC. This petition has been filed by the de facto complainant for a direction to the respondent Police to complete the investigation in Crime No.161 of 2014 within a time period.

4. When the matter was taken up for hearing, learned Additional Public Prosecutor submitted that the crux of the allegation in the FIR is that the accused had forged a Will dated 24.06.2009 purported to have been executed by

one S.P.Kandasamy who died on 31.05.2010. He further submitted that the Will in question has now been filed as a document in O.S.No.90 of 2013 filed by the accused, which is now pending on the file of the Sub Court, Sathyamangalam, on account of which, the Police are not able to proceed further with the investigation in the absence of the impugned Will.

5. In Iqbal Singh Marwah and another Vs. Meenakshi Marwah and another [(2005) 4 SCC 370], the Constitution Bench of the Hon'ble Supreme Court has held that if fabrication of a document takes place outside the Court and later if it is introduced into the Court, the prosecution can proceed with the investigation without resorting to Section 195 and 340 Cr.P.C. However, liberty is given to the petitioner to take steps to file necessary application before the Sub Court, Sathyamangalam in O.S.No.90 of 2013 to send the disputed Will for forensic examination to get opinion and after receipt of the report, the Police can proceed further with the investigation. Under such circumstances, an order fixing a time limit to complete the investigation cannot be granted by this Court in a case of this nature.

With the above observation, this petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Sub Judge,
Sathyamangalam.
- 2.The Inspector of Police,
Sathyamangalam Police Station,
Crime No.161 of 2014,
Erode District.
- 3.The Public Prosecutor,
High Court, Chennai.

1 cc to Mr.D.R.Arunkumar, Advocate, sr.42288

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