

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2016

CORAM:

THE HONOURABLE MS. JUSTICE R.MALA

Crl.O.P.Nos.4636 and 4655 of 2016

Dr.A.Rafi

.. Petitioner in both Crl.O.Ps.

Versus

State represented by
The Inspector of Police
S-10, Pallikaranai Police Station
Chennai.

.. Respondent in both Crl.O.Ps.

Crl.O.P.No.4636 of 2016 is filed under Section 482 Cr.P.C to direct the respondent police to complete the investigation and to file the final report in Crime No.1305 of 2015 dated 03.05.2015 pending on the file of the respondent police, within the time frame as may be stipulated by this Court.

Crl.O.P.No.4655 of 2016 is filed under Section 482 Cr.P.C to direct the respondent to initiate appropriate process in Crime No.1305 of 2015 dated 03.05.2015 pending on the file of the respondent police, for obtaining the handwriting expert opinion on the alleged signatures of the students contained in the complaint dated 13.11.2013 addressed to University of Madras.

For Petitioner : Mr.V.Subramanian

For Respondent : Mr. C.Emalias
Additional Public Prosecutor

O R D E R

Heard both sides.

2. Crime No.1305 of 2015 has been registered on 03.05.2015 on the basis of the complaint given by the de facto complainant / petitioner herein for offences punishable under Sections 467, 468, 471, 417, 501, 506(i) IPC r/w.34 IPC against three persons. The de facto complainant filed Crl.O.P.No.4636 of 2015 for direction directing the respondent police to complete the investigation and file final report in Crime No.1305 of 2015. The de facto complainant also filed another

petition in CrI.O.P.No.4655 of 2016 for direction directing the respondent police to obtain the Handwriting Expert's opinion on the alleged signatures of the students contained in the complaint dated 13.11.2013 addressed to University of Madras.

3. The learned counsel for the petitioner would submit that even though a case has been registered on 03.05.2015, the respondent police has not shown any interest to obtain signatures from the students and send the same to the Handwriting Expert's opinion. Therefore, he prayed for ordering these petitions.

4. Resisting the same, the learned Additional Public Prosecutor would submit that the case has been registered only on 03.05.2015 and they ought to have obtained the documents from the Forensic Department and it is during the investigation, they will follow the procedure and obtain the Handwriting Expert's opinion and thereafter, they will file a report, and he wants sufficient time for investigating the case and for filing final report.

5. Considering the rival submissions made on both sides and on perusal of typed set of papers, nature of offence, specific statement in the complaint that the document sent to the University is not a genuine and it is a concocted one, and it is the duty of the Investigating Officer to obtain all the records from the University and also to obtain the admitted signatures of the students/witnesses and also send for the same to the Handwriting Expert's opinion and thereafter to file a report, this Court deems it fit to direct the respondent police to investigate the matter and follow the procedures and file a final report within a period of one year.

6. The Criminal Original Petitions are disposed of. No costs.

Sd/-

Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

mra

To

1. The Inspector of Police
S-10, Pallikaranai Police Station
Chennai.

2. The Public Prosecutor,
High Court, Madras

+1 cc to Mr.V.Subramanian, Advocate, sr.14205

CrI.O.P.Nos.4636 and 4655 of 2016

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