



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.08.2016

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THE HON'BLE DR.JUSTICE S.VIMALA**W.P.(MD)No.13605 of 2016**

V.Shanmugachamy

... Petitioner

-vs-

1.The Superintendent of Police
Office of the Superintendent of Police,
Theni, Theni District

2.The Inspector of Police,
District Crime Branch
Theni, Theni District

3.The Deputy Director,
Regional Forensic Laboratory
Collector Office Road,
Madurai, Madurai District

4.Shanthalakshmi
Sub Inspector of Police (DCB)
DPO, Theni,
Theni District

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a writ of Certiorarified Mandamus, to call for the records relating to the impugned report ie the expert opinion in T.No.9011/15 in Doc.No.11/15 dated 08.07.2015 from the 3rd respondent quash the same and consequently direct the 3rd respondent to do the proper investigation based on the series of accepted and admitted documents submitted by the petitioner before the 4th respondent at the time of investigation and file a report.

For Petitioner : M/s.M.A.M.Raja
For R1 to R3 : Mr.D.Muruganandham
Addl. Govt. Pleader

For R4 : Mr.C.Meenakshi Rama Prabu

O R D E R

The writ petition has been filed challenging the expert opinion of the 3rd respondent in T.No.9011/15 in Doc.No.11/15 dated 08.07.2015.

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2. Expert opinion has been given in the above case stating that the questioned signature has been imitated and it differs significantly from the standard in the handwriting characteristics.

3. It is stated by the petitioner herein that the 4th respondent submitted, a) series of accepted and admitted documents submitted by the petitioner during investigation, b) gift deed which is questioned by the petitioner as forgery, c) copy of specified signature which was allegedly obtained from the defacto complainant, Velayutha Nadar, but the 3rd respondent ignored all the accepted / admitted documents containing the signature of Velayutha Nadar and therefore, that report must be quashed.

4. The matter is pending trial before Judicial Magistrate, Theni in C.C.No.335 of 2015. The expert opinion is a report to be subjected to analysis by the Court below. The petitioner would have an opportunity to challenge the report by way of cross examination during trial. The anomaly / inconsistency / illegality in the findings can certainly be brought to the notice of the Trial Court during cross examination. Therefore, filing of this petition before this Court at this stage is highly unwarranted and the remedy open to the petitioner is to challenge the said order only before the trial Court.

5. Under such circumstances, this petition is dismissed on the ground of maintainability. No costs. Consequently connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar(W)

/True copy/

Sub Assistant Registrar

To:

1.The Superintendent of Police
Office of the Superintendent of Police,
Theni, Theni District.

2.The Inspector of Police,

<https://hcservices.mca.gov.in/HCServices/Dissemination.aspx> Branch, Theni, Theni District



3.The Deputy Director,
Regional Forensic Laboratory Collector Office Road,
Madurai, Madurai District.

+1 cc to M/s.C.Meenakshi Rama Prabhu, Advocate in SR.No.41112
+1 cc to M/s.M.A.M.Raja, Advocate in SR.No.40856
+1 cc to The Special Government Pleader in SR.No. 41220

RR/ar

SMA/GSV-PM/SAR-I/29.08.2016 :3P/7C

W.P. (MD) No.13605 of 2016
01.08.2016