

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.10.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Cr1.O.P.No.20485 of 2018

Regina

...Petitioner

Vs.

The Inspector of Police,
Thali Police Station,
Thali, Krishnagiri District.

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C., to direct the respondent police to expedite the investigation and file final report in Crime No.117 of 2014 on the file of the respondent police.

For petitioner : Mr.S.Kumaresan

For respondent : Ms.M.Prabhavathi
Addl. Public Prosecutor

ORDER

This petition has been filed to direct the respondent police to expedite the investigation and file final report in Crime No.117 of 2014 on the file of the respondent police.

2. On the complaint lodged by Regina, the petitioner herein, the respondent police registered a case in Cr.No.117 of 2014 on 11.04.2014 under Sections 465, 466, 471 r/w 420 IPC against one Manokaran and Ragupathy. Since investigation was not completed, Regina filed the above petition for a direction to the respondent police to expedite the investigation.

3. On 01.10.2018, this Court passed the following order:

"Today, Ms.N.Savithiri, Inspector of Police, Thally Police Station is present before this Court.

On a reading of the FIR, it is seen that a Court order has been fabricated by the accused.

Learned Government Advocate submitted that

the CD file itself is missing in the Police Station.

Therefore, the Deputy Superintendent of Police, Denkanikottai Sub Division and the Inspector of Police, Thally Police Station are directed to be present before this Court on 04.10.2018 at 2.15pm"

4. Today, Mr.K.Shankar, Deputy Superintendent of Police, Denkanikottai Sub Division and Mr.K.Baskar, Inspector of Police, Thally Police Station are present. On instructions, learned Additional Public Prosecutor submitted that investigation in Cr.No.117 of 2014 has been completed and charge sheet has been filed before the District Munsif-cum-Judicial Magistrate, Denkanikottai on 03.10.2018. However, the same has not yet been taken on file. On a reading of the charge sheet it is seen that Regina, the de facto complainant had some property disputes with one Pushparani; Regina wanted to initiate legal action against the said Pushparani and therefore, she approached one Manokaran, who in turn introduced her to Ragupathy, a local lawyer; Ragupathy collected Rs.18,000/- as fees from Regina for filing a civil suit against Pushparani; when the dispute between Regina and Pushparaj became explosive, the parties went to the police station for enquiry; there, Ragupathy produced the photocopy of an order of ad interim injunction purportedly given by the District Munsif-cum-Judicial Magistrate on 20.11.2013 in I.A.No.347 of 2013 in O.S.No.71 of 2013; when Regina conducted further enquiry, it came to her knowledge that Ragupathy had not filed the suit in O.S.No.71 of 2013 at all and that he had fabricated an order of injunction to hoodwink her. Hence, the FIR and the charge sheet.

5. Learned Additional Public Prosecutor submitted that the police were not able to recover the order in original, because, immediately after registration of the FIR, Ragupathy was granted anticipatory bail by the Sessions Court and therefore, the police were not able to arrest him and effect recovery under Section 27 of the Evidence Act. However, the police have given a questionnaire to the District Munsif-cum-Judicial Magistrate, Denkanikottai who had stated that O.S.No.71 of 2013 does not relate to Regina. In the opinion of this Court, just because the police have not been able to recover the original fabricated order, since the same is in the possession of the accused and that the accused cannot be compelled to submit it, nevertheless, the prosecution can proceed against the accused based on the photocopy of the fabricated order. In the charge sheet, the learned District Munsif-cum-Judicial Magistrate has also been cited as a prosecution witness. At the time of the incident, Mrs.Savithri was the District Munsif-cum-Judicial Magistrate, Denkanikottai and now, she has been transferred and therefore,

there cannot be any impediment for the present Judicial Officer to proceed with the case. This Court directs the District Munsif-cum-Judicial Magistrate, Denkanikottai to pass appropriate orders on the final report filed by the Police in Cr.No.117 of 2014 expeditiously and proceed with the case in accordance with law.

With the above direction, this petition is closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

gms/kkn

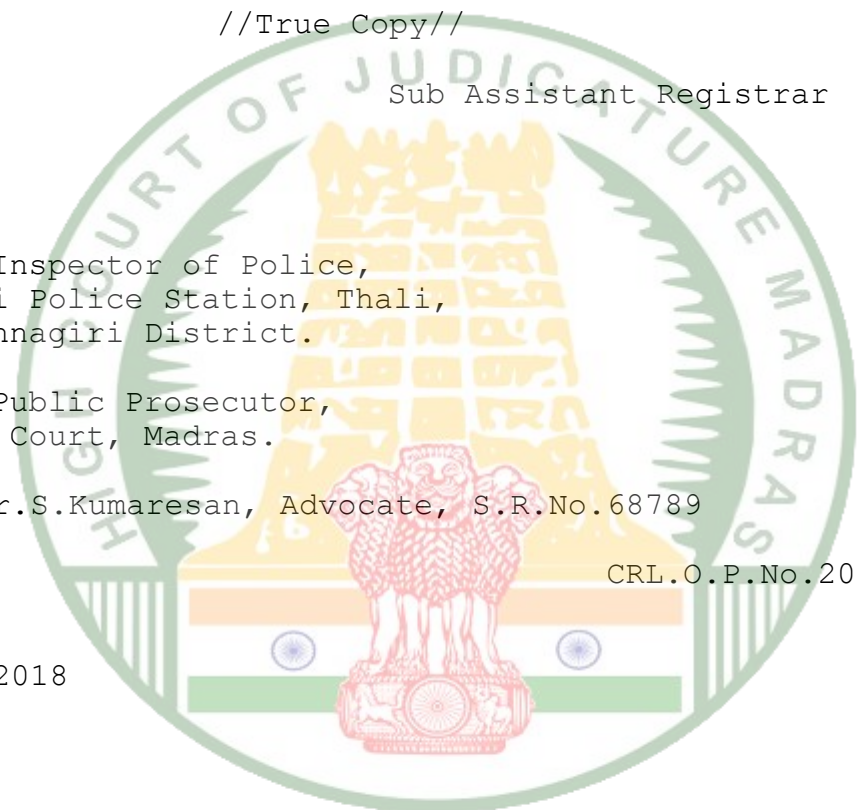
To

1. The Inspector of Police,
Thali Police Station, Thali,
Krishnagiri District.
2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Kumaresan, Advocate, S.R.No.68789

CRL.O.P.No.20485 of 2018

kk(co)
cs/30/10/2018

The seal of the High Court of Madras is a circular emblem. It features a central yellow temple gopuram (tower) with a red lion capital on top. Below the gopuram is a red lion capital on a base. The entire emblem is set against a green background with a white border. The words 'HIGH COURT OF JUDICATURE MADRAS' are written in a circular path around the emblem. Below the emblem, the motto 'सत्यमेव जयते' (Satyameva Jayate) is written in Devanagari script.

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