



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.01.2018

CORAM:

WEB COPY

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

CRL.O.P. (MD)No.1028 of 2018

K.Subbramaniyan

... Petitioner

-vs-

1. The Superintendent of Police,
Karur District,
karur.

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

... Respondents

Prayer: Criminal Original petitions are filed under Section 482 of Criminal Procedure Code, to direct the second respondent to investigate and register a criminal case on the complaint of the petitioner dated 11.09.2017 in accordance with law within a time frame fixed by this Court.

For Petitioner : Mr.B.Saravanan
For Respondents : Mr.Prabu Ramachandran
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed by the petitioner, to direct the second respondent to register a case, based upon the complaint given by the petitioner dated 11.09.2017.

2.The learned counsel appearing for the petitioner has submitted that on 11.03.1993, the petitioner's father has executed a registered Will in favour of the petitioner and his brother namely, K.Dheivasenathipathy in respect of his property and thereafter the petitioner's father died on 23.11.2010. He further submitted that after the death of the petitioner's father, the petitioner's brother has created a forged un-registered Will dated 21.08.2016 and hence the petitioner has lodged a complaint before the second respondent on 11.09.2017. But, so far no action has been taken.

<https://hcservices.ecourts.gov.in/hcservices/>

3.The learned Government Advocate (Crl.Side) has submitted that after receipt of the complaint an enquiry has been started. He



further submitted that already a civil suit is pending in O.S.No.20 of 2015, on the file of the learned Principal District Judge, Karur and the second respondent will expedite the enquiry and take appropriate action.

4.Considering the aforesaid submissions, the second respondent is directed to expedite the enquiry and if the enquiry reveals any cognizable offences, then he has to register a case and proceed further in accordance with law. In case, the enquiry reveals only civil dispute then, he can direct the parties to their remedy in the civil Court suit which is already pending.

5.With the aforesaid observations, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Karur District,
karur.
2. The Inspector of Police,
District Crime Branch,
Karur District,
Karur.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.B.SARAVANAN, ADVOCATE IN SR No. 43813

SSS

TE/KK/SAR-2 : 12/02/2018 : 2P/5C

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