



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 03.07.2019

WEB COPY

CORAM :
THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.4824 of 2019

Saraswathy

.. Petitioner

Vs.

The Inspector of Police,
Palavanthangal Police Station,
Palavanthangal, Chennai.

.. Respondent

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C. to direct the Respondent/Police, to conduct fair, proper and thorough investigation in Cr.No.469 by sending the settlement deed dated 05.11.1993 registered as document No.4536 of 1993 on the file of SRO Pallavaram and the records books and thumb impression books of the SRO Pallavaram pertaining to the settlement deed No.4536 of 1993, for forensic enquiry to ascertain whether the signature and thumb impression on the same, matches with that of the father of the Petitioner and take action and file charge sheet in accordance with law, in the complaint of the Petitioner in Cr.No.469 of 2004 on the file of Respondent Police, within a period stipulated by this Court.

For Petitioner : Mr.B.Natarajan

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

This petition has been filed for a direction to the respondent police to effectively complete the investigation pending in Crime No.469 of 2004.

2.The case of the petitioner is that the property originally belonged to the father of the petitioner. The father had executed the settlement deed in favour of the petitioner on 05.11.1993. The petitioner thereby became the owner of the property. However subsequently the father of the petitioner had executed a power of attorney dated 20.10.2003 in favour of the petitioner's brother with respect to the very same property and he had dealt with the property and sold it to third parties. Therefore, the petitioner is alleging the offence of cheating as against the accused persons.



3.The learned counsel for the petitioner submitted that during the course of investigation, the father of the petitioner took a stand that he did not execute the settlement deed in favour of the petitioner and therefore the respondent police ought to have sent this document to the expert to get the opinion regarding the signature found in the document. This has not been done by the respondent police and therefore the investigation has not been conducted effectively.

4.The learned Additional Public Prosecutor submitted that the investigation has been completed and the final report has also been filed before the Judicial Magistrate, Alandur. The learned counsel further submitted that certain original documents were missing from the Court and therefore the Court below is not taking cognizance of the final report and is waiting to re-construct the records.

5.This Court has carefully considered the submissions made on either side and also the materials available on record.

6.It is not the case of the petitioner that there is an offence of forgery committed by any of the accused persons. The straight and simple case of the petitioner is that the property belonging to her has been dealt with by the accused persons and she has been cheated. The investigation is conducted in line with the specific stand taken by the petitioner. The stand taken by the accused persons in the course of investigation, may or may not be taken into consideration by the prosecution. It is not for this Court to say the manner in which the investigation has to be conducted by the respondent police and it is best left to the prosecution to proceed with the investigation in the manner they deem it appropriate to continue. Therefore, this Court cannot direct the investigation to be kept pending and call upon the respondent police to send the documents for expert opinion.

7.In view of the above, there shall be a direction to the Judicial Magistrate, Alandur to re-construct the records and immediately take cognizance of the final report filed by the respondent police and proceed further in accordance with law. The proceedings shall be completed within a period of six months from the date of receipt of a copy of this order.

8.This Criminal Original Petition is disposed of with the above direction.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

vs



To

1.The Judicial Magistrate,
Alandur.

2.-do- Thro' The Chief Judicial Magistrate,
Chennai.

3.The Inspector of Police,
Palavanthangal Police Station,
Palavanthangal, Chennai.

4.The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.4824 of 2019

KK(CO)

RRS(01/08/2019)