

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.16355 of 2019

L.M.Lawrence

...Petitioner

Vs.

The State of Tamil Nadu,
Rep by the Inspector of Police,
Bungalow Pudur Police station,
Gobichettipalayam Taluk,
Erode District.

...Respondent

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the investigation of the complaint given on 26.09.2015 in CMP No.4447 of 2005 on the file of the Judicial Magistrate I, Gobichettipalayam by a Police Officer not below the rank of an Assistant Commissioner of Police under the direct supervision of the Commissioner of Police or a higher office and to file a final report within a specified time.

For Petitioner : Mr.V.Bhiman

For Respondent : Mr.Mohammed Riyaz
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking for a direction to the respondent police to investigate the complaint given by the petitioner.

2. It is seen from records that a suit came to be filed in O.S.No.120 of 2005 against the petitioner for recovery of money. The suit was filed based on a pro-note alleged to have been executed by the petitioner. The suit was contested and ultimately, by Judgment and decree dated 01.02.2006, the suit came to be dismissed for default.

3. The learned counsel for the petitioner submitted that the dismissal of the suit has become final and that the suit itself was filed based on a forged promissory note. Therefore, a complaint was given to the respondent police to take action as early as in the year 2006 and this Court also directed the

respondent police to act upon the complaint and register the case and inspite of the same, no action has been taken till date.

4. Heard the learned Additional Public Prosecutor appearing on behalf of respondent.

5. On considering the submissions made on either side and also the materials placed on record, this Court is of the considered view that no useful purpose will be served by directing the respondent police to take up the investigation at this stage. Admittedly, the original promissory note has been filed before the Civil Court in O.S.No.120 of 2005. If a forged document has been produced as a evidence during the course of proceedings, the same will squarely attract the provisions under Section 195 (1) (b) of Cr.PC, wherein, proceedings can be initiated under Section 340 of Cr.PC. This will be an efficacious remedy which can be resorted to by the petitioner.

6. In view of the above, liberty is given to the petitioner to work out his remedy in the manner suggested herein above in accordance with law.

7. This Criminal Original Petition is disposed of accordingly.

Sd/-
Assistant Registrar(CCC)

//True Copy//

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Sub Assistant Registrar

To

1. The State of Tamil Nadu,
Rep by the Inspector of Police,
Bungalow Pudur Police station,
Gobichettipalayam Taluk,
Erode District.

2. The Public Prosecutor,
High Court, Madras.

3. The Judicial Magistrate,
Gobichettipalayam.

+1 cc to M/s.V.Bhiman, Advocate, S.R.No.52604

Cr1.O.P.No.16355 of 2019

NMI (CO)
SSM(01/07/2019)