



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **16.10.2019**

CORAM:

**THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN**

**Crl.O.P(MD).No.13740 of 2019**

WEB COPY

K.John Brito

... Petitioner

Vs.

1. The Inspector of Police,  
Kalaiyarkovil Police Station,  
Sivagangai.  
(In Crime No.93 of 2010)

2.V.K.Amalraj

3.V.K.Kamatchi

4.R.Rajalingam

... Respondents

**Prayer:** Criminal Original Petition filed under section 482 of Criminal Procedure Code, to direct the first respondent to conduct further investigation in Crime No.93 of 2010 on the file of the first respondent police and to file the final report within the time to be stipulated by this Court.

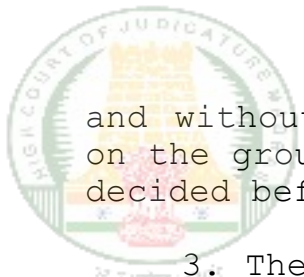
For Petitioner : Mr.K.N.Govardhanan

For R1 : Mr.K.Suyambulinga Bharathi  
Government Advocate(Crl.Side)

### **O R D E R**

This petition has been filed to direct the first respondent to conduct further investigation in Crime No.93 of 2010 on the file of the first respondent police and to file the final report.

2. The petitioner lodged a complaint alleging that his brother forged the signature of his father and fabricated a Will, dated 08.02.2002 in his favour. On receipt of the complaint, the first respondent has registered the case in Crime No.93 of 2010 for the offences under Sections 420, 468, 417 of IPC. Thereafter, without conducting proper enquiry, the respondent police simply closed as 'Further Action Dropped'. On the closure report, the petitioner has filed a protest petition in Crl.M.P.No.5608 of 2018 on the file of the learned Judicial Magistrate No.1, Sivagangai. The said petition was also dismissed only on the ground that the allegations are civil in nature and the allegations made by the petitioner can be settled only before the civil Court. It is seen from the order passed by the learned Judicial Magistrate No.I, Sivagangai that the learned Judicial Magistrate No.I, Sivagangai has simply recorded the facts



and without giving any reasons mechanically dismissed the petition on the ground that the allegations made in the complaint can only be decided before the civil Court.

3. The learned Government Advocate (Crl.side) appearing for the first respondent submitted that the first respondent did not even send the alleged Will before the expert opinion to find out whether the signature of his father is forged or not?

4. Considering the above facts and circumstances of the case, the earlier report of 'Further Action Dropped' is hereby set-aside and the first respondent is directed to conduct fresh investigation in Crime No.93 of 2010 in a proper and fair manner and in the manner known to law, complete the investigation and file a final report, within period of three months from the date of receipt of a copy of this order.

5. With the above direction, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar(CS )

To

- 1.The Inspector of Police,  
Kalaiyarkovil Police Station,  
Sivagangai.
- 2.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

**Crl.O.P(MD) .No.13740 of 2019**  
**16.10.2019**

**VSD**

MK (14.11.2019) 2P 3C