



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P (MD)No.17611 of 2014

in

M.P. (MD)No.1 of 2014

WEB COPY

1.M.Abdul Jabbar
2.Shajakhan
3.Pandi

... Petitioners/ccused 1 to 3

Vs.

1.State represented by
The Inspector of Police,
Central Crime Branch,
Madurai City, Madurai.
(Crime No.15 / 2014)

: 1st Respondet/Complainant

2.M.Thamayandhi

: 2nd Respondent/Defacto
Complainant

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to call for the records in FIR in Crime No.15 of 2014 on the file of the first respondent and quash the same.

For Petitioner : Mr.R.J.Karthick

For R1 : Mr.A.Robinson
Government Advocate (Crl.side)]

For R2 : Mr.K.K.Senthil

ORDER

The petitioners stand accused of the offence of forgery in Crime No.15 of 2014 on the file of the Central Crime Branch, Madurai.

2. The petitioners' claim is that the husband of the defacto complainant executed a sale agreement in their favour.

3. On the other hand, the allegation of the defacto complainant is that the signature of her husband Manickam was forged. When an allegation of forgery has been made, it is for the investigating agency to find out the truth.

4. In exercise of my inherent jurisdiction under Section 428 of Cr.P.C., it would not be possible to examine the matter on merits. It is also seen that the suit for specific performance was



filed by the petitioners herein. It was dismissed by the trial Court. But then, the Appellate Court has decreed the suit. EP has also been filed. But then, the decree was passed by the Appellate Court only in the month of April 2019.

5. The learned counsel appearing for the defacto complainant states that he intends to file a second appeal.

6. I have to bear in mind that the petitioners herein have earlier filed a writ petition before this Court alleging interference by the Police in a civil matter.

7. In this factual background, it is only just and proper that the police conduct a proper investigation in the matter. I find no ground to grant relief in this criminal original petition. The criminal original petition stands dismissed. It is made clear that I have not gone into the merits of the matter. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

Rmi

To

1.The Inspector of Police,
Central Crime Branch,
Madurai City, Madurai.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to Mr.R.J.KARTHICK, Advocate SR-87268.

+1 CC to Mr.K.K.SENTHIL, Advocate SR-87395.

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CS(10.10.2019) 2P 5C