



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE **V.BHARATHIDASAN**

W.P. (MD)No.12380 of 2016

V.Shanmugachamy

... Petitioner

Vs.

1.The Deputy Inspector General of Police (South),
Office of the Director Inspector General of Police,
Dindigul Range,
Dindigul,
Dindigul District.

2.The Superintendent of Police,
Office of the Superintendent of Police,
Theni, Theni District.

3.The Inspector of Police,
District Crime Branch,
Theni, Theni District.

4.The Sub Inspector of Police (DCB),
DPO, Theni, Theni District.
(Cause title amended vide Court order
dated 28.09.2016 in W.M.P. (MD) .No.13548 of 2016)

5.V.Kamaraj
(R5 is impleaded vide Court order
dated 28.09.2016 in W.M.P. (MD) .
9923 of 2016)

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to investigate and to register a case with regard to the separate explanation in the form of representation dated 01.10.2011 submitted along with the statement before the fourth respondent against Kamaraj and others for the fabrication gift deed.

For Petitioner	:	Mr.M.A.M.Raja
For R1 to R3	:	Mr.K.Suyambulinga Bharathi Government Advocate (Crl.side)
For R4 & R5	:	No appearance



O R D E R

This Writ Petition has been filed seeking a direction to the respondents 1 to 3 to register a case, based on the representation given by the petitioner, dated 01.10.2011.

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2. The grievance of the petitioner is that the petitioner has given a complaint against his brother one Kamaraj alleging that he has forged the signature of the father and created a gift deed. But no action has been taken by the respondent police and no enquiry has been conducted. Hence, the present writ petition has been filed.

3. Heard both sides.

4. Today, the fourth respondent has filed a counter affidavit stating that the petitioner's father Velayutha Nadar preferred a complaint before the District Superintendent of Police, Theni against the petitioner, alleging that the petitioner has forged his signature and based on the complaint, F.I.R. has been registered against the petitioner and some others in Crime No.63 of 2011 for the offences under Sections 406, 465, 468, 471, 420, 120(b) of I.P.C. In the above criminal case, investigation has been conducted and the signature is also compared with by the Regional Forensic Laboratory, Madurai and found that the petitioner has only forged the signature. After completion of investigation, final report has been filed against the petitioner and the matter is pending for trial in C.C.No.335 of 2015 before the learned Judicial Magistrate, Theni. The petitioner has also filed a petition to quash the above said criminal proceedings and this Court pleased to dismiss the same. Thereafter, the petitioner has also filed another writ petition in W.P.(MD).No.13605 of 2016, challenging the forensic report submitted by the hand-writing expert and that was also dismissed by this Court. In the mean time, the petitioner has submitted a representation making some allegations against Kamaraj. According to the respondents, there is no truth in the allegations made against him, it is only the petitioner's father himself gave a complaint against the petitioner, only in order to escape from facing the trial, the present complaint has been filed.

5. I have heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) and perused the materials available on record.

6. According to the petitioner, his brother one Kamaraj said to have forged the signature of his father and created a gift deed. But, at that time, his father was alive and his father himself said to have given a complaint against the petitioner alleging that he has only forged the signature of the father and created a gift deed in his favour. After investigation, final report has been filed and the same is pending in C.C.No.335 of 2015 before the learned



Judicial Magistrate, Theni. Now, the petitioner make a representation alleging that his brother Kamaraj has forged the signature of the father.

7. In the above circumstances, it is clear that the petitioner has given the representation to the authorities only to circumvent the criminal proceedings pending against him and I am of the view that the prayer sought for by the petitioner cannot be granted and the writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (C.O)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Deputy Inspector General of Police (South),
Office of the Director Inspector General of Police,
Dindigul Range,
Dindigul, Dindigul District.

2.The Superintendent of Police,
Office of the Superintendent of Police,
Theni, Theni District.

3.The Inspector of Police,
District Crime Branch,
Theni, Theni District.

+1 CC to Mr.Y.PRAKASH, Advocate SR-79074.

+1 CC to Mr.M.A.M.RAJA, Advocate SR-79264.

Order made in
W.P. (MD)No.12380 of 2016
Dated: **30.07.2019**

CS(05.09.2019) 3P 6C