

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:19.02.2020

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.4093 of 2020

Dr.Anand Narasingam

...Petitioner

vs.

1. The Director,
Forensic Science Department,
No.30 A, Kamarajar Salai,
Mylapore, Kailasapuram,
Mylapore, Chennai-4.

2. Divya Natarajan

...Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to issue suitable instructions to the concerned section of the Forensic Science Department to call upon the petitioner and the second respondent to collect the voice samples and submit the report based on the order of the Family Court passed in I.A.No.5316 of 2018 in HMOP. No.4237 of 2016 dated 21.01.2019 before the IV Additional Family Court, Chennai within a stipulated period.

For Petitioner : Mr.Kandhan Duraisami

For Respondents : Mr.R.Govindasamy
Special Government Pleader

O R D E R

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The relief sought for in the writ petition is a Mandamus directing the first respondent to issue suitable instructions to the concerned section of the Forensic Science Department to call upon the petitioner and directing the second respondent to collect the voice samples and submit the report based on the order of the Family Court passed in I.A.No.5316 of 2018 in HMOP. No.4237 of 2016 dated 21.01.2019 before the IV Additional Family Court, Chennai within a stipulated period.

2. The second respondent has filed a divorce petition in HMOP. No.4237 of 2016 which is pending before the IV Additional Family Court, Chennai, against the petitioner. In the same petition, a petition was filed to collect the cell phone and three numbers of compact discs from the petitioner and forward the same to the first respondent viz., Forensic Science Department, Chennai for the Expert's report regarding scrutinization and verification of contents. The said Cell phone and the Compact Discs were collected from the petitioner and also forwarded to the 1st respondent on 05.03.2019. There has been no reply from the first respondent. The petitioner has filed an Interlocutory Application in I.A.No.5316 of 2018, seeking to issue suitable instructions to the concerned authorities to call him and to collect the voice samples and issue a report as early as possible. The said application was allowed.

3. The grievance of the petitioner is that the first respondent has not done any further action pursuant to receiving the Cell phone and the Compact Discs. Therefore, a mandamus is now sought for as against the first respondent to proceed further in accordance with the Order in IA. No.5316 of 2018 passed by the IV Family Court, Chennai.

4. However, I hold that passing any order by this Court under Article 226 of the Constitution of India would be a direct interference into the proceedings in HMOP. No.4237 of 2016, which is now pending where it is informed that trial is under way.

5. If the petitioner had forwarded the cell phone and CD'S through the IV Additional Family Court, Chennai, then the petitioner may have very well approach the said Court seeking for further directions regarding the result of the Forensic Examination of the Cell phone and the CD's. It would be highly inappropriate for this Court to pass such directions.

6. Therefore, the petitioner is granted liberty to file necessary Interlocutory Application before the IV Additional Family Court, which may hear the same and pass orders in accordance with facts and circumstances of the case.

7. With the above observations, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rli

To

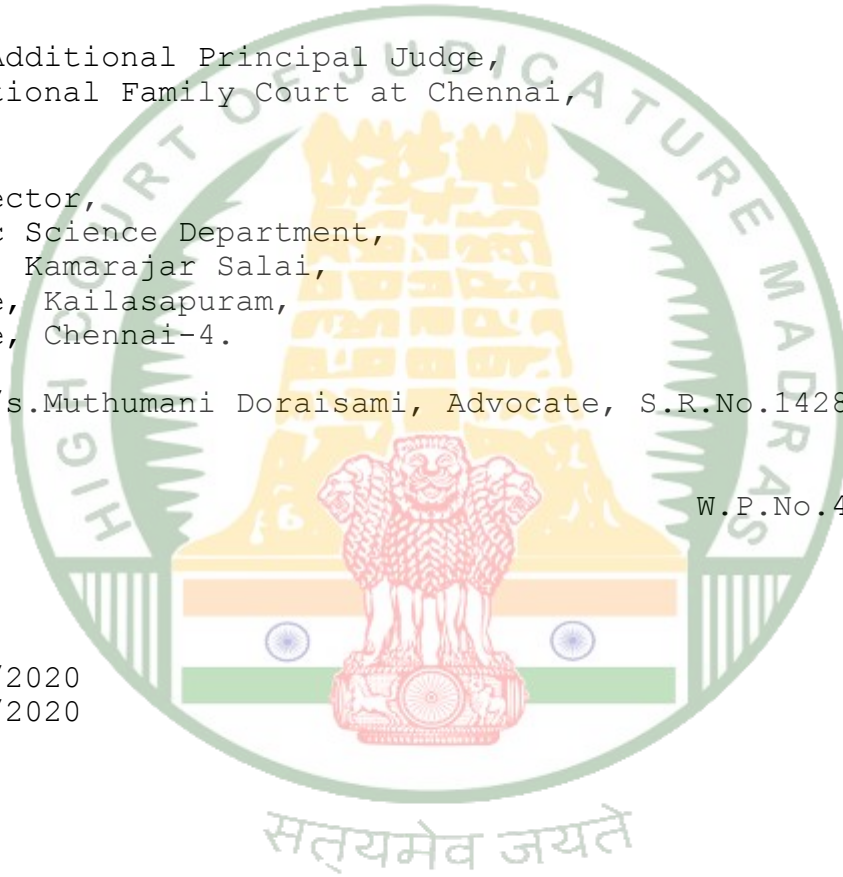
1.The IV Additional Principal Judge,
IV Additional Family Court at Chennai,
Chennai.

2.The Director,
Forensic Science Department,
No.30 A, Kamarajar Salai,
Mylapore, Kailasapuram,
Mylapore, Chennai-4.

+1cc to M/s.Muthumani Doraisami, Advocate, S.R.No.14280

W.P.No.4093 of 2020

MP (CO)
KKV/12/08/2020
KKV/17/08/2020



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