



Cont.Petition No.857 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.07.2021

CORAM

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

Contempt Petition No.857 of 2021

A.Azizul Kareem,
No.111, Moore Street,
Mannady, Chennai 600 001

... Petitioner

Vs

G.Vijayalakshmi
Inspector of Police,
Forgery Wing, Team 27,
CCB, Vepery, Chennai – 600 007.
(Crime No.68 of 2020)

... Respondent

Prayer :- Contempt Petition is filed under Section 11 of the Contempt of Courts Act, to punish the respondent for wilful disobedience of the order passed by this Court in CrI.O.P.No.12312 of 2020 dated 14.08.2020.

For Petitioner : Mr.R.Pandian
For Respondent : Mr.L.Baskaran
Government Advocate (CrI.Side)

ORDER

This Contempt Petition has been filed to punish the respondent for wilful disobedience of the order passed by this Court in CrI.O.P.No.12312 of 2020 dated 14.08.2020, thereby directed the respondent to complete the investigation in Crime No.68 of 2020 and file



a final report within a period of sixteen weeks from the date of receipt of a copy of that order, after obtaining a hand writing expert opinion of the disputed sale agreement.

2. The learned counsel for the petitioner would submit that the de-facto complainant lodged a complaint as against the petitioner and the same was registered in Crime No.68 of 2020 for the offences punishable under Sections 420, 468, 419, 465, 467, 471, 120-B and 109 of IPC. Pending FIR, the petitioner filed a petition before this Court to quash the FIR. This Court has not inclined to quash the FIR and directed the respondent/police to file a final report within the stipulated time, after obtaining a hand writing expert opinion with regard to the disputed agreement for sale. Thereafter, the respondent/police did not comply the order passed by this Court.

3. The learned Government Advocate (Crl. Side) submitted that on the strength of the alleged agreement for sale, the petitioner herein filed a suit for specific performance before this Court in C.S.No.212 of 2017, in which, the de-facto complainant was called absent and he was set ex-parte. Now, the de-facto complainant filed a petition to set aside



the ex-parte decree and the same was allowed and the suit is pending. In the suit, the petitioner filed the alleged agreement for sale as if executed by all the owners of the property. In fact, the petitioner produced the agreement for sale containing signatures of all the owners, in which two of them have already died. Therefore, the document is filed by forging signatures of the de-facto complainant as well as the deceased. The respondent necessarily has to get an expert opinion with regard to the alleged agreement for sale which is lying before this Court in C.S.No.212 of 2017. Only for obtaining a hand writing expert opinion, the respondent could not able to file a final report within the period stipulated by this Court.

4. Considering the above submission, the Registry is directed to furnish the original agreement for sale dated 02.06.2014 in C.S.No.212 of 2017 to the respondent herein on filing necessary application. On receipt of the same, the respondent is directed to get the expert opinion within a period of six weeks and to return the original agreement for sale before this Court. After obtaining the expert opinion, the respondent is directed to file a final report within a period of four weeks thereafter.



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

SD/-

ASSISTANT REGISTRAR(COMM.CASES)

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//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

from 25th day of September 2008 the Registry is issuing Certified copies of the Orders/Judgments/Decrees in this format.

GS/11/08/2021

To

The Inspector of Police,
Forgery Wing, Team 27,
CCB, Vepery, Chennai – 600 007.
(Crime No.68 of 2020)