



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2022

CORAM

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

W.P.No.9699 of 2022

Raghupathi,
S/o.Shanmugasundaram

... Petitioner

Vs

1. The Superintendent of Police,
Tiruppur District,
Tiruppur.

2. The Inspector of Police,
District Crime Branch,
Tiruppur.

3. Muthugopalakrishnan,
S/o.Shanmugasundaram

4. Sreedhar,
S/o.Shanmugasundaram

5. Selvaraj,
S/o.Kaliyappan

6. Kakkarin,
S/o.Thirumurthy

7. Vishwanathan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first respondent to consider the petitioner's representation dated 12.01.2022.

For Petitioner : Mr.V.Anandhamurthy

For Respondents
For R1 and R2

: Mr.A.Gokulakrishnan
Additional Public Prosecutor



ORDER

This Writ Petition has been filed, to direct the first respondent to consider the petitioner's representation dated 12.01.2022.

2. The case of the petitioner is that based on a forged and fabricated will, the accused had filed a suit in O.S.No.325 of 2015 on the file of the Sub Court, Udumalpet against the petitioner. The petitioner has given a complaint against the accused for obtaining forged and fabricated will, in respect of which, the second respondent has registered a case in Crime No.7 of 2016 for the offences punishable under Sections 120B, 466, 467, 468 and 471 of I.P.C. Since the accused had filed the suit based on the fabricated will, the second respondent expressed his difficulty to continue with further investigation and closed the FIR promising to reopen the case, after receipt of the expert opinion. The petitioner has also moved an application in I.A.No.55 of 2016 to send the alleged will for expert opinion to find the genuineness of the signature. Subsequently, on 04.07.2019, a report has been received from Forensic Department concluding that the accused had committed forgery and the will was a fabricated will. Coming to know about the forged and fabricated will, the suit was deliberately left to be dismissed for non-prosecution on 25.11.2019. The petitioner had sent a representation to the first respondent on 12.01.2022 seeking to direct the second respondent for further investigation in this case. However, it has not been considered, thereby, the present writ petition has been filed.

3. The learned counsel for the petitioner would submit that though a case was registered in Crime No.7 of 2016, the second respondent expressed his inability to continue with the investigation stating that the original will was in the Court and he has closed the case. He would further submit that an expert opinion has been obtained with regard to the will and as per the expert opinion, the will is a fabricated one. Thereby, the petitioner had sent a representation dated 12.01.2022 to the first respondent seeking to reopen the case and make further investigation.

4. The learned Additional Public Prosecutor for the first and second respondents would submit that the second respondent has closed the case as "Further Action Dropped" and RCS Notice in RCS.No.07 of 2016 was also served on the petitioner. He would further submit that if at all, the petitioner is aggrieved, he has to approach the concerned Jurisdictional Magistrate for further investigation based on the materials.



5. At this juncture, the learned counsel for the petitioner seeks to challenge the RCS Report in Crime No.7 of 2016 on the file of the second respondent.

6. In view of the above, this writ petition is disposed of by directing the first respondent to consider the petitioner's representation dated 12.01.2022 and pass orders within a period of two weeks from the date of receipt of a copy of this order. Meanwhile, liberty is also granted to the petitioner to challenge the RCS Report in Crime No.7 of 2016 on the file of the second respondent in accordance with law based on the expert opinion. No costs.

Sd/-
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

rgm/arb

To

1. The Superintendent of Police,
Tiruppur District,
Tiruppur.
2. The Inspector of Police,
District Crime Branch,
Tiruppur.

+1cc to M/s.V.Anandhamurthy, Advocate, S.R.No.27376

W.P.No.9699 of 2022

SKM(CO)
SU(10/05/2022)