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Crl.O.P.No.5221 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.CHANDRASEKHARAN**

Crl.O.P.No.5221 of 2023
and Crl.M.P.No.3286 of 2023

T.Kannan

... Petitioner

Vs.

The State by

1.The Superintendent of Police,
Thiruvarur SP Office
Thiruvarur District.

2.The Inspector of Police,
Koothanallur Police Station,
Koothanallur
Thiruvarur District.

3.The Inspector General
CB-CID
Block No.3, 1st Floor,
SIDCO Electronics Complex,
Guindy Industrial Estate
Chennai – 32.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the 3rd respondent to take over the case in Crime No.469 of 2021, from the file of the 2nd respondent and conduct fresh/further investigation of



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the case and file a final report, within a time frame fixed by this Court.

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For Petitioner : Mr.K.S.Sathia Chandran

For Respondent : Mr.S.Santhosh

Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed to direct the 3rd respondent to take over the case in Crime No.469 of 2021, from the file of the 2nd respondent and conduct fresh/further investigation of the case and file a final report, within a time frame fixed by this Court.

2.The learned counsel for the petitioner submitted that on the basis of the complaint given by the petitioner First Information Report in Crime No.469 of 2021 for the offences under Section 417, 420, 467, 468 and 120 B I.P.C. was registered by Koothanallur Police Station. Petitioner filed Crl.O.P.No.3707 of 2022 seeking a direction to file a final report within the stipulated time. This Court on 22.02.2022, on the basis of the instructions given by one Mr.Anandhakrishnan, (Inspector of Police) attached to Koothanallur Police Station, to the learned Government Advocate that matter relates to impersonation, fabrication of documents and forgery and respondent was awaiting for lab report and that final report would be filed within a period of two months, the petition in Crl.O.P.No.3707 of 2022 was disposed giving



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direction for filing final report within a period of two months from 22.02.2022.

3.It is further submitted by learned counsel for the petitioner that even after the direction given in Crl.O.P. No.3707 of 2022 on 22.02.2022, no final report is filed, necessitating the filing of this petition.

4.In response, the learned Government Advocate (Criminal side) submitted that when the matter was taken up for hearing in Crl.O.P.No.3707 of 2022 it was represented that the Police was waiting for lab report. However, it now transpires that documents had not even been sent to Forensic lab for analysis. Documents are available in the District Munsif Court, Thiruvarur.

5.The learned Government Advocate (Criminal side) further submitted that documents would be collected from Principal District Court, Thiruvarur, and would be sent to lab for analysis. After the receipt of the analysis report, final report would be filed.

6.The reading of the First Information Report shows that on the basis of



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alleged fabricated sale agreement, a suit for specific performance was filed against petitioner's mother in O.S.No.21 of 2022 on the file of District Court, Thiruvuru, and ex-parte decree was passed on 11.06.2013. Thereafter, on the basis of the ex-parte decree, sale deed came to be executed on 28.03.2014. It is further submitted by learned counsel for petitioner that petitioner filed I.A.No.102 of 2016 in O.S.No.21 of 2012 for setting aside the ex-parte decree and that was dismissed by the trial Court. Challenging the said dismissal, petitioner's mother filed C.R.P.(NPD).No.4734 of 2017 and that was allowed by this Court on 26.10.2022.

7.In the light of the factual background elicited above, this Court is of the view that except for the analysis of the disputed document by handwriting expert, it appears that other part of investigation is over. In the said circumstances, this Court is of the view that it is not necessary to transfer the case in Cr.No.469 of 2021 to third respondent. This Court directs the second respondent to take immediate and appropriate steps for collection of disputed documents along with the admitted documents for sending to the handwriting expert's opinion and to file final report in this case. At the same time, this Court directs the DGP, to initiate departmental action against, Mr.Anandakrishnan, Inspector of Police, Koothanallur, for giving wrong



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information that the investigation was pending only for the receipt of lab report from forensic lab.

8. Accordingly, this Criminal Original Petition is disposed.

Consequently, connected miscellaneous petition is closed.

08.03.2023

Internet: Yes
Index: Yes/No
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To:

1. The Superintendent of Police,
Thiruvarur SP Office
Thiruvarur District.
2. The Inspector of Police,
Koothanallur Police Station,
Koothanallur
Thiruvarur District.
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G.CHANDRASEKHARAN, J.
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