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CrI.O.P.No.9319 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.04.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

CrI.O.P.No.9319 of 2023

1.G.Ambika

2.R.Gopal

3.G.Baby

... Petitioners

Vs.

1.S.Kulandaivel

2.State Represented by
Inspector of Police,
B-4, High Court Police Station,
High Court Campus, Chennai.

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records and to quash the F.I.R.No.15 of 2015, dated 24.04.2015, pending on the file of B-4, High Court Police Station, Chennai.

For Petitioners : M/s.S.Shujath
For Respondents : S.Santhosh (For R2)
Government Advocate (CrI side)



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ORDER

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This Criminal Original Petition has been filed to call for the records and to quash the F.I.R.No.15 of 2015, dated 24.04.2015, pending on the file of B-4, High Court Police Station, Chennai.

2.It is the submission of the learned counsel for the petitioners that first petitioner is the daughter-in-law of defacto-complainant. There are civil litigations pending with regard to property dispute. However, alleging that defacto-complainant's signature was forged and he was impersonated, a complaint was given. On the basis of the complaint, First Information Report in Cr.No.15 of 2015 for the offences under Sections 419, 465, 468 and 471 I.P.C. was registered and it is pending. In the said circumstances, this petition is filed for quashing.

3.The learned Government Advocate (Criminal side) submitted that the allegations are serious in the sense that someone else had impersonated the defacto-complainant. Forged document was filed for obtaining favourable orders in the Mediation. Investigation is expedited and final report would be filed soon.



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4.Considered the rival submissions and perused the records.

5.It is seen from the First Information Report allegations that the marriage between defacto-complainant's son and first petitioner Ambika had taken place in 2005. One year after marriage, Ambika left the matrimonial home to her parental home. Then Ambika and her parents tried to encroach the defacto-complainant's land. In this regard, a Police complaint was given and First Information Report in Cr.No.524 of 2013 was registered and the case is pending on the file of learned Judicial Magistrate, Omalur. During the pendency of case in Cr.No.524 of 2013, CrI.O.P.No.7587 of 2014 was filed before this Court and obtained a direction for referring the matter to mediation. On 13.09.2014, defacto-complainant received a letter from mediation center. Defacto-complainant expressed his unwillingness for mediation. Thereafter, the accused and one Masani Monisha, Advocate conspired together and created a letter forging the defacto-complainant's signature and alleging that defacto-complainant was ready for compromise sent that letter to mediation center. Advocate Masani Monisha representing that she is junior of defacto-



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complainant's Advocate Elango, made someone else to appear on behalf of the defacto-complainant. Defacto-complainant was impersonated by someone. In the said circumstances, the complaint was given. The complaint allegations clearly make out the commission of cognizable offences under Sections 419, 465, 468 and 471 I.P.C. The allegations should be investigated and appropriate final report should be filed.

6.In this view of the matter, this Court dismisses this Criminal Original Petition and directs the second respondent to complete the investigation in F.I.R.No.15 of 2015, dated 24.04.2015, and file final report within a period of two months from the date of receipt of copy of this order.

27.04.2023

Index:Yes/No
Speaking/Non speaking order

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To:-

Inspector of Police,
B-4, High Court Police Station,
High Court Campus, Chennai.



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G.CHANDRASEKHARAN.J.,

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