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Crl.O.P.No.15039 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2023

CORAM:

THE HONOURABLE MS JUSTICE R.N.MANJULA

Crl.O.P.No.15039 of 2021 and
Crl.M.P.No.8202 of 2021

A.J.S.Gadhimathi

...Petitioner

Vs.

1. Union Territory of Puducherry
represented by
the Sub-Inspector of Police,
Grand Bazaar Police Station,
J.N.Steer,
Puducherry.
(Crime No.0263 / 2020)

2. N.Rajendiran

3. Baby

...Respondents

Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the records relating to impugned FIR registered in Crime No.0263 of 2020 dated 29.07.2020 on the file of the 1st respondent namely the Sub-Inspector of Police, Grand Bazaar Police Station, Puducherry and quash all further proceedings.



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For Petitioners : Ms.B.Asha for
Mr.A.Prakash

For 1st Respondent : Mr.V.Balamurugane,
Additional Public Prosecutor
(Puducherry)

For 2nd Respondent : Mr.K.Shyam sundar

ORDER

This Criminal Original Petition has been filed to quash the FIR registered in Crime No.0263 of 2020 dated 29.07.2020 on the file of the 1st respondent namely the Sub-Inspector of Police, Grand Bazaar Police Station, Puducherry.

2. The case of the prosecution is that the 2nd respondent / defacto complainant along with his wife, 3rd respondent is running a vegetable shop at Gate No.12, Grand Market, Puducherry for nearly 40 years; the petitioner / accused had threatened them with their henchmen and grabbed the shop from them; subsequently, the 2nd respondent had given a complaint before the Grand Bazaar Police Station on 19.01.2019; however, the petitioner had created false documents and by using the same, he grabbed the shop from the respondents 2 and 3.



3. Heard the learned counsel for the petitioner, learned Additional Public Prosecutor (Puducherry) appearing for the 1st respondent and the learned counsel appearing for the 2nd respondent.

4. The learned counsel for the petitioner submitted that signature of the 2nd respondent seen in the agreement is a genuine one and there is no basis for the complaint. It is further submitted that the stay order already granted by this Court, should be extended.

5. The learned Additional Public Prosecutor (Puducherry) appearing for the 1st respondent submitted that the investigation cannot be completed in view of the pendency of stay and for getting the report from the Forensic laboratory, Hyderabad by comparing the signature of the 2nd respondent with that of the disputed signature found in the agreement.

6. The learned counsel for the 2nd respondent submitted that the signature found in the disputed document is a forged one and what have been stated in the complaint is true.



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7. On an earlier occasion, this Court by an order dated 30.08.2022, directed the first respondent / Police to complete the investigation and to close the FIR in Crime No.0263 of 2020. Since the said order has not been complied with, the petitioner has filed a contempt petition in Cont.P.No.2098 of 2022 and this Court by an order dated 09.12.2022, again given a direction to complete the investigation within a specific time limit.

8. The records would show that the disputed signature along with the admitted signature have already been sent to the Forensic laboratory and the report is awaited. In this situation, if the investigation is ordered to be stayed, no useful purpose will be served either to the prosecution or to the petitioner. Only if a report is obtained from the Forensic laboratory, the real fact can be come to light that the signatures of the 2nd respondent in impugned document is genuine or a forged one.

9. In view of the above stated reasons, I feel it is appropriate to issue direction to the first respondent / Police to complete the investigation and to



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file the final report within a period of three weeks from the date of obtaining the report from the Forensic Laboratory, Hyderabad.

10. With the above direction, this Criminal Original Petition stands disposed of. Consequently, connected miscellaneous petition is closed.

19.01.2023

vum
Index:yes/No
Speaking order / Non speaking order

To

1. The Sub-Inspector of Police,
Grand Bazaar Police Station,
J.N.Steer,
Puducherry.
2. The Public Prosecutor,
Madras High Court,
Chennai.



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R.N.MANJULA,J.

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