



WEB COPY



Crl.O.P.No.25917 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2023

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.25917 of 2023

K. Shibu

... Petitioner

Vs.

The State of Tamilnadu,
rep. by the Inspector of Police,
Forgery Wing Team V,
Central Crime Branch,
Vepery,
Chennai -600 007

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to set aside the order dated 18.07.2023 made in L.No.61/INS Team V/2023 passed by the respondent, and direct the respondent to conduct further investigation afresh on the petitioner's complaint dated 13.03.2023 by allowing this petition.

For Petitioner : Mr.N.Manoharan

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Criminal Side)



WEB COPY

Crl.O.P.No.25917 of 2023



ORDER

This Criminal Original Petition is filed to set aside the order dated 18.07.2023 made in L.No.61/INS Team V/2023 passed by the respondent, and direct the respondent to conduct further investigation afresh on the petitioner's complaint dated 13.03.2023 by allowing this petition.

2.The petitioner is the complainant and his complaint was taken up for enquiry by the respondent police in E.No.4969941 of 2023. The grievance of the complainant is that to get interim order from the Court, the accused has fabricated the documents by forging the signature of the complainant to show that the complainant has entered into an agreement with the accused person and hence, he seeks to take necessary action against the accused. The said complaint has been given to the respondent police which has caused notice to the complainant for production of the documents and to participate in the enquiry. Later on, the respondent police closed the complaint stating that the documents relevant to the enquiry were not produced by the complainant and therefore, action was dropped on the



complaint. The communication dated 18.07.2023 is under challenge in this petition filed under Section 482 Cr.PC.

3.The learned counsel for the petitioner has submitted that when the petitioner was called for enquiry, he attended the enquiry and gave his written submissions and also the documents, which were in his possession and necessary for investigation, particularly, he has given photocopy of the disputed document and sought for examination of the experts to prove the forgery committed by the accused. However, the respondent police has closed the complaint as if necessary documents were not produced for enquiry by the petitioner.

4.The learned Government Advocate (Crl.side) appearing for the respondent submitted that since the complainant has produced only photocopy of the disputed documents, the Enquiry Officer has not proceed with the enquiry.

5. It is to be note that no further proceedings were conducted by the Enquiry Officer to close the complaint. The closure of the complaint on non



-production of the documents by the complainant is *per se* ill found and contrary to the facts. The Enquiry Officer ought to have summoned the accused for production of the originals of the disputed documents and also the documents relied upon by him in the original suit filed before this Court after securing the documents and ascertaining about the genuineness of the execution, the Enquiry Officer ought to have proceeded further instead he has abruptly closed the complaint without conducting proper investigation.

6. Hence, the respondent is directed to re-call the earlier order dated 18.07.2023, which is *per se* improper and proceed further with the enquiry by securing the disputed document from the accused, get opinion from the expert and arrive at a right conclusion. For the said purpose, this Court is of the opinion that the petition given by the aggrieved person cannot be kept at enquiry stage, wherein, deep investigation is required. Therefore, to register the FIR and conduct investigation in accordance with law instead of closing the complaint without superficial examination of the complainant.



WEB COPY



Crl.O.P.No.25917 of 2023

7. With the above direction, the Criminal Original Petition is disposed

of.

dn

01.12.2023

Index : Yes/No

Neutral Citation : Yes/No

To

1. The State of Tamilnadu,
rep. by the Inspector of Police,
Forgery Wing Team V,
Central Crime Branch,
Vepery,
Chennai -600 007

2. The Public Prosecutor,
High Court of Madras,
Chennai.

DR. G.JAYACHANDRAN.,
dn

5/6



WEB COPY



Crl.O.P.No.25917 of 2023

Crl.O.P.No.25917 of 2023

01.12.2023