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CrI.O.P.(MD)No.7160 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **19.04.2023**

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGO VAN**

CrI.O.P.(MD) No.7160 of 2023

R.Athimoolam

... Petitioner

Vs.

1.The Deputy Superintendent of Police,
District Crime Branch,
Virudhunagar District.

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

3.The Deputy Director,
Regional Forensic Science Laboratory,
Madurai Medical College Campus,
Collector Office Road,
Madurai-625 020

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the 2nd respondent herein to send for expert opinion of the document executed by wife of A.P.Ramamoorthi Raj (i.e. R.Suseela) as to the genuinity of the document through the 3rd Respondent herein and obtain the report within a stipulated time as fixed by this Court.



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For Petitioner : Mr.G.Balasubramani
For R1 and R2 : Mr.B.Nambiselvan
Additional Public Prosecutor

ORDER

This petition has been filed to direct the 2nd respondent herein to send for expert opinion of the document executed by wife of A.P.Ramamoorthi Raj (i.e. R.Suseela) as to the genuinity of the document through the 3rd Respondent herein and obtain the report within a stipulated time as fixed by this Court.

2. Taking advantage of the observation that was made by this Court in Crl.O.P(MD) No.19240 of 2022, this petition has been filed for the fourth time, on the ground that the above said complaint that was given by the petitioner was closed by the second respondent, due to absence of the documents of the subject complaint.

3. For further reading of the above said direction in Crl.O.P(MD) No.19240 of 2022 shows that the petitioner was directed to file a private complaint before the concerned Court and exhaust his remedy available as per law. But without complying the above said direction, the petitioner



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has approached this Court by way of present petition, seeking such direction.

4. The petitioner cannot take advantage of the observation that was made by this Court in Paragraph No.6 in Crl.O.P(MD) No.19240 of 2022, a specific direction has been issued to the petitioner to file a private complaint before the concerned Court and exhaust his remedy and there is no question of repeatedly approaching this Court for similar relief. It will amount to clear abuse of process of Court.

5. The petitioner is directed to comply the above said direction given in Crl.O.P(MD) No.19240 of 2022 and if any grievance is experienced by the petitioner to comply the said order, he can workout his remedy through appropriate proceedings. There is no question of passing any direction to the second respondent to get expert opinion from the third respondent with regard to the above said disputed document.



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6. With the above said direction, this Criminal Original Petition is disposed of.

17.04.20223

NCC:Yes/No

Index : Yes/No

Internet : Yes/No

Indu

To

- 1.The Deputy Superintendent of Police,
District Crime Branch,
Virudhunagar District.
- 2.The Inspector of Police,
District Crime Branch,
Virudhunagar District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

G.ILANGOVAN. J.



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