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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2024

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.2922 of 2024

A.Lakshmi

Petitioner

vs.

1.The Commissioner of Police,
Tambaram, Chennai.

2.The Assistant Commissioner of Police,
Guduvancherry, Chennai.

3.The Inspector of Police,
T-6, Peerankaranai Police Station,
Chennai.

Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to set aside the closure report of the 3rd respondent in CSR.No.853 of 2023 as against law, illegal and the law laid down by the Apex Court in Lalitha Kumari Vs Govt of India, U.P and others 2013 (4) Crimes 243 (SC) and direct the 3rd respondent to register the case and investigate the case in accordance with law.

For Petitioner : Mr.R.Chandrasudan

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor



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ORDER

This criminal original petition has been filed challenging the closure report of the 3rd respondent in CSR No.853 of 2023.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing on behalf of the respondents.

3.The crux of the complaint that was given by the petitioner was that the signature of the petitioner was forged and the husband of the petitioner had secured a loan from the Bank to the tune of Rs.20,42,740/- Thereafter, the loan amount was not repaid and the name of the petitioner was reflected in the CIBIL report. The petitioner therefore, gave a complaint to the Bank on 26.06.2023 to enquire into the matter. The Bank conducted an enquiry and the following conclusions were arrived at:

C.RCU Final Conclusion

- *We have clearly observed that main applicant has shared co-applicant documents through whatsapp to concern DSA (RKPL) sourcing executive Mr.Babu.*
- *Main applicant and concern DSA executive both are involved and done by co-applicant signature KYC and application.*



- *Sourcing executive never met co-applicant Lakshmi and he never collected physical signature from co-applicant.*
- *KMBL staff he never met applicant and co-applicant but he has done OSC authentication on KYC.*
- *Applicant Mr.Arunachalam Ponnusamy confirmed he only applied the personal loan he has not added her wife as co-applicant but concern sourcing executive provided screen shot we can clearly see his name and mobile number hence which is applied by applicant only he only misused her wife documents.*

4.The petitioner thereafter lodged a complaint before the respondent police seeking for taking action against her husband who had forged the signature of the petitioner and taken the loan. This complaint was taken on file in CSR No.853 of 2023. This complaint was closed by the respondent police on the ground that they have already sent the signature for the Forensic examination and hence, only after the receipt of the report, further action will be taken. Aggrieved by the same, the present criminal original petition has been filed before this Court.

5.In the considered view of this Court, the complaint given by the petitioner makes out a cognizable offence. The same is further strengthened by the report that has been given by the Bank. Therefore, as per the dictum of the



2013 (6) CTC 353, the respondent police is expected to register an FIR and proceed further with the investigation in line with Chapter XII of Cr.P.C., The verification of the signature by sending it to the Forensic laboratory cannot be done even without registering an FIR.

6.In view of the above, there shall be a direction to the 3rd respondent to register the FIR in this case and proceed further with the investigation in accordance with law.

7.This criminal original petition is disposed of with the above directions.

28.02.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
ssr

To

- 1.The Commissioner of Police,
Tambaram,
Chennai.
- 2.The Assistant Commissioner of Police,
Guduvancherry,
Chennai.



3. The Inspector of Police,
T-6, Peerankaranai Police Station,
Chennai.

4. The Public Prosecutor,
High Court, Madras.



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N. ANAND VENKATESH, J.

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