



W.P.No.6175 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:09.07.2024

Coram:

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

W.P.No.6175 of 2024

and

W.M.P.No.6836 of 2024

Karthick Raja

.. Petitioner

/versus/

1.The Superintendent of Police,
Erode District.

2.The Additional Superintendent of Police,
Head Quarters, Erode District.

3.The Inspector of Police,
District Crime Branch,
Erode District.

4.The Inspector of Police,
Cithode Police Station,
Erode District.

5.Sadayappan

6.Palanisamy

7.Murugeson

8.Sakthivel



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9.Kathirvel

10.Manivarman

11.Gomathi

12.Shanmugam

13.Mahesh

.. Respondents

Writ Petition has been filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for records pertaining to order dated 03.02.2024 in Na.Ka.No.55/ADSP/HQ/I/Ed/2023 passed by the respondent No.2 and to quash the same and consequently, direct the respondent No.3 herein to register the FIR based on complaint of the petitioner dated 29.09.2023 addressed to the Director General of Police.

For Petitioner :Mr.M.Subash

For R1 to R4 :Mr.K.M.D.Muhilan,
Government Advocate (Crl.Side)

For R5 to R9 :Mr.N.Manokaran

ORDER

The petitioner herein has made a complaint to the Director General of Police against some of the police officials alleging that they have taken side in the course of investigation on his complaint of forgery



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of Will and they try to influence the attesting witnesses to act in favour of the 5th and 6th respondent who are the beneficiary of the alleged forged Will.

2. Sum and substance of the grievance of the petitioner exposed through his counsel is that on 20.06.1985, one Marappan Gounder and his wife Kaliammal had executed a Will in favour of one Mani. Thereafter, he has cancelled the Will and executed another Will in which he has given his four cents of land equally to his four sons. The petitioner herein being aggrieved that the subsequent Will suspects it to be a forged Will since it contains two thumb impressions of executant.

3. In the complaint, he alleges the police has visited the attesting witnesses place and enquired. However, the complaint been later closed with instruction to the parties to work out their remedy before the Civil Court, since by the time the parties have already approached Civil Court by filing a suit in O.S.No.375 of 2023 on the file of the II Additional Sessions Court, Erode.



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4. The complaint regarding bias attitude of the Investigating Officer closed recording that the complaint need no further investigation, since it has trapping of civil dispute and the parties have to work out their remedy before the competent Civil Court. The said order is now sought to be quashed in the writ petition.

5. This Court after hearing the learned counsel appearing for the petitioner at length finds that there is no purpose on pursuing the criminal complaint as well as the enquiry about the investigating officer who dealt with the matter, against whom there is an allegation that he visited the attesting witnesses place in the car of the accused. Since the police has not taken any decision on the complaint but had directed the parties to work out their remedy before the Civil Court.

6. The learned counsel appearing for the petitioner alleges that the second will was propounded by the accused persons. There is manipulation in the document, the complaint of forgery needs investigation. This Court is of the view that the issue is very much subject matter of the civil suit pending and therefore, whatever suspicious



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circumstances canvassed by the petitioner herein can be placed before the Civil court and establish his case. It is now stated that the petitioner has filed his written statement and matter is pending for framing of issues.

7. In such circumstances, this Court finds no purpose in entertaining this writ petition which is about a collateral proceedings accusing the police, who have nothing to do with the dispute between the petitioner and accused persons regarding piece of land left by the ancestral. Hence, this petition is closed. Consequently, connected Miscellaneous Petition is closed.

09.07.2024

Index:yes/no
Neutral Citation:yes/no
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To:

- 1.The Superintendent of Police, Erode District.
- 2.The Additional Superintendent of Police, Head Quarters, Erode District.



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3.The Inspector of Police, District Crime Branch,Erode District.

4.The Inspector of Police, Cithode Police Station, Erode District.

5.The Public Prosecutor, High Court, Madras.

DR.G.JAYACHANDRAN,J.

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