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Crl.O.P.No.8733 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2024

CORAM

THE HONOURABLE DR.JUSTICE **G.JAYACHANDRAN**

Crl.O.P.No.8733 of 2024

Srinivasan

... Petitioner

Vs.

1.The Deputy Commissioner,
Central Crime Branch,
Salem City, Salem.

2.State by
The Inspector of Police,
Central Crime Branch-II,
Salem City, Salem

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleased to direct the 2nd respondent police not to harass the petitioner under the guise of enquiry.

For Petitioners : Mr.B.Kumarasamy

For Respondents : Mr.S.Udaya Kumar
Government Advocate (Crl.Side)

ORDER

Regarding the Will alleged to have been executed by the father of the petitioner herein, complaint of fabrication, cheating and conspiracy been lodged by the step mother and Sister of the petitioner.



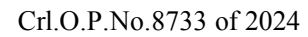
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2. When the police has called upon him for enquiry, he has approached this Court stating that the police is interfering in the civil dispute which has already been seized of by the learned Principal District Judge, Salem in O.S.No.193 of 2023.

3. The learned Government Advocate (Crl.Side) appearing for the respondent police submits that the complaint against the petitioner is that he has fabricated the Will and based on the unregistered fabricated Will sold the property of the father, in which, the complainant have right and share. Instead of participating in the enquiry, the petitioner has approached this Court.

4. Considering the rival submissions, the case where there is a *prima facie* criminality been made out in the complaint, for which, the enquiry is necessary. However, the enquiry must be in accordance with law. Therefore, the respondent police is directed to cause summon under Section 41A Cr.P.C., and call the petitioner for enquiry with necessary document. If any cognizable offence is made out, then proceed in accordance with law.

5. With the above observation, this Criminal Original Petition



is disposed of.

Index : Yes/No

Neutral Citation : Yes/No

rpl

To

1.The Deputy Commissioner,
Central Crime Branch,
Salem City, Salem.

2.The Inspector of Police,
Central Crime Branch-II,
Salem City, Salem.

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

Dr.G.JAYACHANDRAN,J.

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