



Crl.O.P No.22707 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2024

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.22707 of 2023

J.Sampooranam
W/o.Jayaraj

... Petitioner

vs.

1.State represented by
Inspector of Police,
Erode South Police Station,
Erode District.

2.Sangeetha
W/o.Govindaraj

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in Crime No.208 of 2023 on the file of first respondent and quash the same.

For Petitioner : Mr.M.Saravanakumar

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor [R1]

ORDER



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This petition has been filed to call for the records in Crime No.208 of 2023 on the file of first respondent and quash the same.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for first respondent.

3. When the matter was taken up for hearing on 12.01.2024, this Court passed the following order:

"Mr.A.Gopinath, learned Government Advocate accepts notice for the first respondent.

2. The entire case revolves around a will dated 22.5.2001, which was stated to have been executed by the wife of the first accused in favour of the first accused. The defacto complainant alleged that it is a forged will, based on which, the entire property of her mother was knocked away.

3. The learned Government Advocate (Crl.Side) shall get instructions as to whether any steps have been taken by the police to ascertain the genuineness of the will dated 22.5.2001.

4. Post on 22.1.2024 under the same caption."

4. In spite of the above order, the original Will was not handed over to the police for ascertaining its genuineness.



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5. The contentions put forth by the learned counsel appearing on behalf of the petitioner are purely factual in nature and this Court cannot venture into conducting a mini investigation into the matter and it therefore does not fall within the ambit of its jurisdiction under Section 482 of Cr.P.C. This Court must also bear in mind the parameters laid down by the Apex Court in *Neeharika Infrastructure Pvt.Ltd.*, case reported in **2021 SCC Online SC 315**. Any finding on facts will also have a bearing on the investigation conducted by the respondent Police.

6. In the facts and circumstances of the case, this Court is not inclined to interfere with the investigation conducted by the respondent Police at this stage.

In the result, this Criminal Original Petition is dismissed and the respondent Police is directed to proceed further with the investigation in

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accordance with law and complete the investigation and file a final report or a closure report, as the case may be, as expeditiously as possible.

18.03.2024

Index : Yes/No
Neutral Citation : Yes/No
Speaking Order/Non-Speaking Order
gm

To

1.The Inspector of Police,
Erode South Police Station,
Erode District.

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

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