



Crl.O.P.(MD)No.3661 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **06.02.2024**

CORAM:

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

Crl.O.P.(MD) No.3661 of 2022

Shantha Pandian

... Petitioner

Vs.

1.Pandidurai

2.P.Muniyandi

3.S.Mahendran

4.T.Vijayakumar

5.The Sub Registrar,
No.1, Joint Sub Registrar Office,
Madurai South Registration Office,
Madurai.

6.A.Ramasamy

7.S.Mohanasundaram

8.M.Murugan

9.M.Balakrishnan

10.N.Alagappan

11.L.Rengaramanujam

12.P.C.Palraj



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13.P.Sugandhi

14.Subbaiah

15.P.C.Soundararajan

16.T.Sasikumar

17.A.Deivam

18.P.Ravi

19.Sethumanimadhavan,
Inspector,
Thirunagar Police Station,
Madurai,
Now Avaniapuram Police Station,
Madurai.

20.P.Palani,
Inspector,
Thirunagar Police Station (Incharge)
Madurai.

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records relating to the report of the Forensic Expert attached with the Single Digit Finger Print Bureau Office of the Superintendent of Police, Madurai District, dated 24.04.2019 in connection with the order in Cr.M.P.No.2315/2017 dated 30.11.2018 in Cr.M.P.No.1930/2017 on the file of the learned Judicial Magistrate, Thirumangalam and set aside the same and consequently, direct the learned Judicial Magistrate, Thirumangalam, to call for the records mentioned in Cr.M.P.No.736 of 2016 on the file of the then learned Judicial Magistrate No.6, Madurai and send them along with the specimen thumb impression of the petitioner's mother taken in the



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presence of the learned Judicial Magistrate, Thirumangalam and the original settlement deed of the petitioner for expert opinion regarding thumb impression on the admitted and disputed documents and get a report within a time frame as may be stipulated by this Court.

For petitioner	: Mr.R.Venkateswaran
For Respondents	: R1, R4 and R6-Died No appearance for R2, R3, R10, R16, R18 and R19 Mr.S.Manikandan Government Advocate (CrI.side) for R5 Mr.M.Maruthupandian for R11 RR 7 to 9, R12 to R15, R17 and R20-Dispensed with

ORDER

This Criminal Original Petition has been filed to call for the records relating to the report of the Forensic Expert attached with the Single Digit Finger Print Bureau Office of the Superintendent of Police, Madurai District, dated 24.04.2019, in connection with the order passed in Cr.M.P.No.2315 of 2017 in Cr.M.P.No.1930 of 2017 dated 30.11.2018, by the learned Judicial Magistrate, Thirumangalam, set aside the same and consequently, direct the learned Judicial Magistrate, Thirumangalam, to call for the records relating to Cr.M.P.No.736 of 2016 on the file of the then learned Judicial Magistrate No.6, Madurai and



send them along with the specimen thumb impression of the petitioner's mother taken in the presence of the learned Judicial Magistrate, Thirumangalam and the original settlement deed of the petitioner for expert opinion regarding thumb impression on the admitted and disputed documents and get a report within a time frame stipulated by this Court.

2. The case of the petitioner is that the petitioner's mother, namely, Valliammal, has purchased a house plot bearing Plot No.1, measuring 5 cents 235 sq.ft., in S.No.202/1B-Part 1 (Current Re-survey No.202/22) situated at Thanakkankulam Village, Madurai South Taluk, Madurai District, from one Backiyalakshmi through a registered sale deed dated 20.05.1991 and thereafter, the petitioner's mother bestowed the property in favour of the petitioner. In order to grab the property from the petitioner, the accused No.1 has created a forged power of attorney with the help of the other accused persons and alienated the property in favour of several persons. Therefore, the petitioner has made a complaint before the Inspector of Police, Thirunagar Police Station, Madurai District, based on which, a case in Crime No.304 of 2012 was registered for the offence punishable under Sections 406 and 420 IPC against one Pandidurai/A1 and Sasikumar/A16. Subsequently, investigation was completed and the respondent No.20 Police has filed a report before the



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learned Judicial Magistrate No.VI, Madurai, stating that further action was dropped, and requested the Court to grant RCS Number.

Thereafter, the petitioner has filed a petition before this Court in CrI.R.C(MD).No.33 of 2014 and it was allowed on 11.03.2014, setting aside the said RCS order and the matter was remanded back to the trial Court and the petitioner was directed to file a protest petition. Hence, the petitioner has filed a protest petition before the learned Judicial Magistrate No.VI, Madurai and the same was taken on file in Cr.M.P.No.3575 of 2014, in which, Cr.M.P.No.736 of 2016 was filed by her to call for the records from No.1, Joint Sub-Registrar, Madurai, relating to the forged power of attorney as well as the settlement deed, ledgers bearing the thumb impression of the impersonated person and the valid settlement deed given by the petitioner's mother, Valliammal, to the petitioner and it was allowed. On 07.10.2016, the petitioner has also filed a petition before the learned Judicial Magistrate No.6, Madurai, for getting expert opinion over the thumb impression on the disputed and admitted documents. Due to bifurcation of jurisdiction, the case was transferred to the learned Judicial Magistrate, Thirumangalam and the same was taken on file in Cr.M.P.No.1930 of 2017. Since the petitioner's mother was an aged person and was suffering from age related ailments, the petitioner intended to get her specimen thumb impression during her



life span. In this regard, she has filed a petition before the learned Judicial Magistrate, Thirumangalam and her specimen thumb impression was taken in the Court in front of the learned Magistrate on 25.02.2018. Thereafter, she has filed a petition in Cr.M.P.No.2315 of 2017 to compare the signature of the petitioner's mother taken in the presence of the learned Judicial Magistrate with the alleged forged document No.1641/1997 created by the accused No.1 and the trial Court has also passed an order to send the admitted and disputed document to get expert opinion over the forged thumb impression along with the specimen signature of the petitioner's mother taken in the presence of the learned Magistrate. Instead of comparing the signature with the document created by the accused No.1, the Forensic Expert has compared the signature of her mother with the petitioner's Settlement deed Document No.3107/2010 dated 16.03.2010 and the report was incomplete and it had not been even stated anything about forged and disputed document which is vital. Hence, this Petition has been filed.

3. The learned counsel appearing for the petitioner submits that it would suffice if this Court directs the Forensic Expert to compare the thumb impression of the petitioner's mother, which was taken from her in the presence of the learned Judicial Magistrate and was marked as S1,



with the document No.1641/1997 created by the accused No.1 and file a report before the trial Court for taking appropriate decision.

4. The learned counsel appearing for the respondent No.11 submits that A1 died and other persons are alive.

5. Though notice was served to the respondent Nos.2, 3, 10, 16 and 18, there is no representation for them. Since no adverse orders are going to be passed, notice to the respondent Nos.7 to 9, 12 to 15 and 17 is dispensed with.

6. Considering the limited request made by the learned counsel appearing for the petitioner, this Court, without going into the merits of the case, directs the Forensic Expert attached with the Single Digit Finger Print Bureau to secure the Document No.1641/1997 dated 07.07.1997 from the Sub-Registrar, No.1, Joint Sub-Registrar Office, Madurai, and compare the thumb impression of the petitioner's mother which was taken in the presence of the learned Judicial Magistrate and was marked as S1, with the Document No. 1641/1997 dated 07.07.1997 and file a report before the trial Court. The said exercise is to be completed within a period of four weeks from the date of receipt of a



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copy of this order. The Sub-Registrar, No.1, Joint Sub-Registrar Office, Madurai, is directed to send a copy of the Document No.1641/1997 dated 07.07.1997 along with thumb impression to the Forensic Expert for comparison.

7. Accordingly, this Criminal Original Petition is disposed of.

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Index : Yes/No
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