



Crl.O.P.(MD) No.4010 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 04.04.2024

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRL.O.P (MD) No.4010 of 2024

and

CRL.M.P (MD) No.3969 of 2024

Meenakshi,

... Petitioner

Vs

1.The Inspector of Police,
District Crime Branch Police Station,
Kanyakumari District.
Crime No.53/2015.

2. The Deputy Superintendent of Police,
CBCID, Kanniyakumari
***(*R2 suo-motu impleaded by this Court,
vide order dated 04.04.2024)***

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the Respondent to conduct a fair investigation and to file a Final Report in Crime No.53/2015 on the file of the Respondent Police as contemplated under section 173(2) of CrI PC within a stipulated time fixed by this Court.



CrI.O.P.(MD) No.4010 of 2024

For Petitioner : Mr.R.Murugan
For Respondent : Mr.M.Sakthikumar
Government Advocate(Crl.Side)

ORDER

This petition has been filed seeking a direction to the respondent police to conduct further investigation as directed by the learned Judicial Magistrate No.I, Nagercoil in Crime No.53 of 2015, dated 08.01.2021. The petitioner has also sought for a direction for filing a final report within a reasonable time.

2.The case of the petitioner is that by impersonation, false documents have been created by the accused persons, for which, the petitioner has lodged a complaint before the respondent police/District Crime Branch, Nagercoil, on 11.08.2015 and an FIR was registered in Crime No.53 of 2015, for the offences under Section 120(b), 416, 418, 419, 467, 468, 469, 471, 420 IPC. The said case was closed on the basis of the alleged compromise agreement, dated 05.09.2019 and a final report was also filed before the learned Judicial Magistrate No.I, Nagercoil, on 16.10.2019. The learned Judicial Magistrate No.I, Nagercoil, refused to accept the final



CrI.O.P.(MD) No.4010 of 2024

report and ordered for further investigation by order, dated 08.01.2021. The respondent police has not conducted any investigation even after the order passed by the learned Judicial Magistrate No.I, Nagercoil. Aggrieved over the order passed by the learned Judicial Magistrate No.I, Nagercoil, the accused have filed a petition before this Court in CrI.O.P(MD)No.18730 of 2021 and on 21.01.2022, the same was disposed on the following terms:

'4. The learned counsel appearing for the petitioners also relies on compromise deed dated 30.01.2020 entered into between the parties. The first respondent shall consider all the materials to be placed by the petitioner as well as the defacto complainant. If really the matter had been settled and the defacto complainant had received a sum of Rs.25,00,000/- (Rupees Twenty Five Lakhs only) under the terms of agreement, then obviously, she cannot be permitted to resile from the same. If the first respondent is really satisfied that the issue was settled and the second respondent was paid a sum of Rs. 25,00,000/- (Rupees Twenty Five Lakhs only), the first respondent is directed to file the final report for dropping further action in the matter and the same shall be accepted by the jurisdictional Magistrate. If, of course, as now claimed, the amount of Rs.25,00,000/- (Rupees Twenty Five Lakhs only) was not really paid to the defacto complainant, then the first respondent shall file the final report on merits and in accordance with law. With this direction, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.'

3.Even after the order passed by this Court, dated 21.01.2022, the investigation was not concluded and therefore, the petitioner has



Crl.O.P.(MD) No.4010 of 2024

approached this Court seeking a direction for fair investigation and for filing final report.

4.The accused have filed an impleading application in Crl.M.PNo. 3969 of 2024. Already the relief sought for in this petition has been granted by this court in Crl.O.P(MD)No.18730 of 2021, even thereafter, the petitioner filed this petition.

5.The learned Counsel for the accused in Crl.M.P(MD)No.3969 of 2024, has also relied on the paragraph No.4 of the order passed by this Court in Crl.O.P(MD)No.18730 of 2021, wherein, a direction was also issued to the respondent police to conduct an investigation as to verify the transaction and to file a final report.

6.The learned Government Advocate (Crl.Side) submits that the alleged compromise deed, dated 05.09.2019 is referred for hand writing expert for their opinion. On receipt of a report from the hand writing expert, final report would be filed. According to the learned Government Advocate (Crl.Side), only on 19.10.2023, the alleged compromise deed was referred to



Crl.O.P.(MD) No.4010 of 2024

the hand writing expert and they still awaiting for report from the hand writing expert.

7.This Court considered the rival submissions made and also perused the materials placed on record.

8.The petitioner has lodged a complaint in the year 2015. The respondent police has also registered an FIR in Crime No.53 of 2015, for the offences under Section 120(b), 416, 418, 419, 467, 468, 469, 471 and 420 IPC. However, by recording the compromise memo arrived between the petitioner and the defacto complainant, the final report was filed on 16.10.2019. The learned Judicial Magistrate No.I, Nagercoil being not satisfied with the report, ordered for further investigation on 08.01.2021. The petitioner also claims that taking advantage of her ignorance, some signatures have been obtained and she is not aware of this compromise document. Though the learned Judicial Magistrate has ordered for further investigation on 08.01.2021, the respondent police have not conducted any investigation from January 2021. The accused challenged the order for further investigation and this Court by order dated 21.01.2022 disposed that



Crl.O.P.(MD) No.4010 of 2024

application directing the respondent police to ascertain whether the amount has been settled by the accused to the petitioner and to file the final report.

This order was passed by this Court on 21.01.2022, even after passing of this order, the respondent police has not conducted any investigation and they have preferred to refer the document for forensic lab only on 19.10.2023. The further investigation is not at all conducted by the respondent police and by referring the documents to the forensic lab on 19.10.2023, they are awaiting a report from the hand writing expert. The respondent police is still keeping the matter pending.

9.This Court is not satisfied with the manner in which, the investigation is conducted by the respondent police and therefore, this Court *suo-motu* order for a transfer of investigation from the file of the District Crime Branch, Nagercoil to the file of the CBCID, Nagercoil to conduct a thorough investigation to the manner in which, the final report was filed. The new investigation agency shall find out whether any document has been created on impersonation.



CrI.O.P.(MD) No.4010 of 2024

10.In view of this, the Deputy Superintendent of Police, CBCID, Kanniyakumari, *suo-motu* added as a party in this petition and Mr.K.Sakthi Kumar, Government Advocate (CrI.Side) takes notice. The Superintendent of Police, Kanniyakumari, is directed to withdraw the file from the District Crime Branch, Nagercoil and to entrust the same to the CBCID, Nagercoil, within a period of two weeks, from the date of receipt of a copy of this order. The CBCID, Nagercoil shall conduct a fair investigation and find out whether any impersonation was there, how the many documents have been created, the manner in which, the final report has been filed and if it is found that any police official erred, action shall be taken against those persons and to conclude the investigation, within a period of six months, from the date of receipt of a copy of this order.

11.With the above directions, this criminal original petition is disposed of. Consequently, the connected miscellaneous petition is closed.

04.04.2024

NCC : Yes/No
Internet:Yes/No

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Index: Yes/No
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Crl.O.P.(MD) No.4010 of 2024



Crl.O.P.(MD) No.4010 of 2024

To

1. The Inspector of Police,
District Crime Branch Police Station,
Kanyakumari District.

2. The Deputy Superintendent of Police,
CBCID, Kanniyakumari

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to
The CBCID, Nagercoil



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Crl.O.P.(MD) No.4010 of 2024

B.PUGALENDHI, J.

LR

CRL.O.P (MD) No.4010 of 2024

04.04.2024