



Crl.O.P.(MD) No.4553 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.04.2024

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRL.O.P (MD) No.4553 of 2024

and

CRL.M.P (MD) No.3563 of 2024

C.Christu Dhas,

... Petitioner

Vs

**1. The Inspector of Police,
District Crime Branch Police Station,
Nagercoil,
Kanyakumari District.
Crime No. 16 of 2023.**

2. Sindhu

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the pass an order calling for the records in Crime No. 16 of 2023 on the file of the first respondent police, District Crime Branch Police station, Nagercoil, Kanyakumari District and quash the same.

For Petitioner : Mr.S.C.Herold Singh

**For R1 : Mr.B.Thanga Aravindh
Government Advocate (Crl. side)**



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ORDER

This criminal original petition has been filed seeking to quash the FIR in Crime No.16 of 2023, on the file of the first respondent.

2.The case of the prosecution is that the accused has created a forged document. Hence the case has been registered.

3.The case of the petitioner is that the issue involved is purely civil in nature and a suit in O.S.No.3 of 2023 is also pending between the parties, on the file of the learned District and Sessions Judge, Nagercoil, for specific performance. While so the complaint has been foisted on the civil dispute which is also entertained by the respondent police.

4.The learned Government Advocate (Crl.Side) appearing for the respondent police submits that the case itself was registered only on 27.02.2023 and the investigation has not been completed.



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5.This Court considered the rival submissions made.

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6.It is needless to say that the Police is not expected to interfere in a civil dispute. The case is pending at the stage of investigation. The grounds raised by this petitioner can very well be considered by the investigating officer during the course of investigation. The FIR is nothing but registering the complaint in the register of the Police. The purpose of investigation is to find out truth whether the complaint is genuine or not. The investigating officer is expected to conduct the investigation in a fair manner by considering the evidence produced by the defacto complainant and the accused. The grounds raised by this petitioner herein can very well be appreciated by the investigating officer during the course of investigation.

7.The motto of the government in its emblem is Truth Alone Triumphs and therefore, it is the responsibility of every government servant including the investigating officer to discharge their duty as expected by the government and to ensure Truth alone Triumphs.

8.Therefore, this petition is closed with liberty to the investigating



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officer to conduct an investigation by considering the points raised in this application, the Police Standing Order and the circular issued by the Director General of Police, Tamil Nadu, during his course of investigation and shall conclude the investigation within a period of six months either by filing final report or with a closure report.

9.Consequently, the connected miscellaneous petition is also closed.

02.04.2024

NCC : Yes/No
Internet:Yes/No
Index:Yes/No

LR

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

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

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B.PUGALENDHI, J.

LR

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