



Crl.O.P.(MD) No.12195 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 31.07.2024

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRL.O.P (MD) No.12195 of 2024

Jeyakumar

... Petitioner

Vs

**1. The Superintendent of Police,
Thoothukudi, Thoothukudi District.**

**2. The Inspector of Police,
District Crime Branch,
Thoothukudi District.**

**3. Kamaraj,
The Sub Inspector of Police,
District Crime Branch,
Thoothukudi,
Thoothukudi District.**

**4. Niranjanan,
M/s. Imperial Granite Private Limited,
Thoothukudi,
Thoothukudi District.**

**5. Premkumar,
M/s. Imperial Granite Private Limited,
Thoothukudi,
Thoothukudi District.**

... Respondents

1/5



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PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the respondents 2 and 3 not to harass the petitioner under the guise of enquiry based on the false complaint given by the respondents 4 and 5.

For Petitioner : Mr.V. Malaiyendran,
For R1 & R2 : Mr.P.Kottai Chamy
Government Advocate (Crl.Side)
For R4 & R5 : Mr.N.Dilip Kumar

ORDER

This criminal original petition has been filed seeking a direction to the respondents 2 and 3 not to harass the petitioner under the guise of enquiry.

2.The learned Government Advocate (Crl.Side) appearing for the respondent police submits that based on the complaints lodged by the private respondents, the respondent police are conducting enquiry in C.No. 14/21178/1563/2024 and C.No.149/DCB-II/2024. The allegation in that complaints is that the petitioner has created a forged document.



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3.The learned Counsel appearing for the fourth and fifth respondents submits that the original documents for the property in S.Nos.169/2, 169/3, 169/4 and 169/5 are with them. However, the petitioner, by projecting that those documents have been missed, obtained a non-traceable certificate from the respondent police and created the forged documents.

4.The learned Counsel appearing for the petitioner claims that the petitioner is an innocent person. However, due to previous motive, the private respondents have lodged these complaints.

5.This Court considered the rival submissions made.

6.The complaint appears to be in the nature of forgery of documents. The fourth and fifth respondent claims that they are having the original documents. However, an order has been obtained as if the documents are missing and the forged documents have been created.

7.The respondent police is not expected to call the accused to ascertain the same before registering a case. If the complaints of the private



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respondents disclose that the offences are cognizable in nature, the respondent police can very well register a case and conduct an enquiry. In the course of the enquiry, it is open to the respondent police to issue summons to the accused under Section 35(3) of BNS. If the petitioner is not co-operating for the enquiry, it is always open to the respondent police to work out the other possibilities for conducting the investigation.

8. With the above directions, this criminal original petition is closed.

31.07.2024

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

To

1. The Superintendent of Police,
Thoothukudi, Thoothukudi District.

2. The Inspector of Police,
District Crime Branch,
Thoothukudi District.

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

4/5



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B.PUGALENDHI, J.

LR

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