

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.10.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.OP.No.15024 of 2015

R.Dharmalingam

... Petitioner

Vs

The State Rep by
The Inspector of Police,
Sulur Police Station,
Coimbatore District.
(CSR No.555/2014)

... Respondent

Criminal Original Petition filed under Section 482 of Cr.P.C.,
praying for a direction to the respondent Police to conduct a proper enquiry
and register a case on the basis of the complaint dated 02.08.2014 within the
time stipulated by this Court.

For Petitioner : Mr.V.Padmanabhan, Senior Counsel
for M/s.S.B.Viswanathan

For Respondent : Mr.C.Emalias, APP

ORDER

This criminal original petition has been filed to direct the
respondent Police to conduct a proper enquiry and register a case on the
basis of the complaint dated 02.08.2014.

2. Heard the learned counsel appearing for the petitioner; the learned Additional Public Prosecutor appearing for the respondent and perused the material placed on record.

3. It is seen that on the complaint given by the petitioner dated 02.08.2014, petition enquiry was conducted by the respondent police and the same was closed perfunctorily on 10.08.2015.

4. The crux of the allegation in the complaint is that the opposite parties had forged a sale agreement dated 15.03.2006, based on which, they have filed a suit for specific performance against the family members of the petitioner herein.

5. The learned counsel appearing for the petitioner submits that the stamp papers, on which the sale agreement dated 15.03.2006 was prepared itself, came into existence only on 23.12.2008. In support of this plea, the petitioner has obtained a letter dated 31.10.2014 from the concerned treasury. According to the petitioner, his father died on 11.08.2007 and the stamp papers came into existence only in the year 2008, with which, the sale agreement dated 15.03.2006 has been fabricated.

6. Since there are prima facie materials, this Court sets aside the closure report dated 10.08.2015 and directs the respondent police to conduct fresh enquiry on all these aspects and take action in accordance with law and the investigation shall be monitored by the Deputy Superintendent of Police, Sulur Sub Division.

In view of the above, the criminal original petition is closed.

05.10.2015

sms

To

1. The Inspector of Police,
Sulur Police Station,
Coimbatore District.
2. The Public Prosecutor,
High Court, Madras.

P.N.PRAKASH, J.

sms

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