

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 09.10.2015
Delivered on : 14.10.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CrI.OP No. 21301 of 2015

1.Buelah Hebsiba
2.Arulmani
3.William Robert
4.Juliet
5.Glory

... Petitioners

Vs

1. The Superintendent of Police,
Kancheepuram District.
2. The Inspector,
Uthiramerur Police Station,
Kancheepuram District.

... Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to direct the respondent to register their complaint dated 18.09.2013 as FIR for the offences of fabricating false documents, fraudulent registration of sale deed and land grabbing and investigate and take action against the said persons as per law and report without further delay.

For Petitioners : Mr.N.A.Karrem

For respondents : Mr.C.Emalias
Additional Public Prosecutor

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ORDER

This petition has been filed to direct the respondents to register their complaint dated 18.09.2013 as FIR for the offences of fabricating false documents, fraudulent registration of sale deed and land grabbing and investigate and take action against the said persons as per law and report without further delay.

2. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor appearing for the respondents.

3. Earlier, this petitioners filed Crl.O.P.No.30205 of 2013 for a direction to the respondent police to register an FIR on the complaint dated 18.09.2013. This Court by an order dated 09.12.2013 in Crl.O.P.No.30205 of 2013 and batch passed the following order;

"3. In keeping with the judgment of the Hon'ble Supreme Court in Lalita Kumari Vs. Govt. of U.P. & others (2013 (4) Crimes 243 (SC)), the respondent police are directed to register a case on the complaints of petitioners if a reading of the same discloses commission of cognizable offence. However, if any doubt arises there regards, the respondent police may conduct a preliminary enquiry which shall not extend a period of seven days from the date of receipt of a copy of this order. In conducting the preliminary enquiry, they shall put the concerned parties upon notice. At the end thereof, if any cognizable offence is made out, they shall duly register a case. In the event of effecting closure of the case upon conducting a petition enquiry, a copy of the closure report shall be forwarded to the complainants. It is also made clear that where a direction under Section 156(3) Cr.P.C. stands issued by the Jurisdictional Magistrate, it shall be incumbent upon the respondent police to register a case and investigate thereupon. As a guideline for the future, it is hereby made clear that if upon receipt of a complaint, petition enquiry is considered necessary, the same will have to be completed within seven days from the date of receipt of the complaint."

4. Thereafter, this petitioners filed M.P.No.1 of 2015 in Crl.O.P.No.30205 of 2013 and for the following prayer;

" Petition praying that in the circumstance stated therein and in the affidavit filed therewith, the High Court will be pleased to pass further direction

calling for status report of the complaint of the petitioners dated 18.09.2013 ordered to be enquired by this Hon'ble Court dated 09.12.2013 in Crl.O.P.No.30205 of 2013."

This Court passed the following order in M.P.No.1 of 2015 in Crl.O.P.No.30205 of 2013 dated 11.08.2015;

" Today, the matter was called "for being spoken to". It is seen that the main case in Crl.O.P.No.30205 of 2013 was disposed of by this Court, as early as on 09.12.2013. Under such circumstances, this miscellaneous petition is not maintainable.

Hence, the petition is closed, with liberty to the petitioner to workout his remedy in the manner known to law."

5. Now, this petitioners have filed the present petition for a direction to the respondent police to register an FIR on the complaint dated 18.09.2013.

6. The learned Additional Public Prosecutor submitted that pursuant to the direction issued by this Court in Crl.O.P.No.30205 of 2013, petition enquiry was conducted by calling the petitioners and the opposite party and the complaint dated 18.09.2013 has been closed. A copy of the closure report has already been furnished to the learned counsel appearing for the petitioner Mr.N.A.Karrem.

7. This Court perused the statement dated 20.10.2014 given by the first petitioner to the respondent police, wherein she has stated as follows;

" On the basis of my complaint petition dated 02.09.2014 sent to the Chief Minister's Special cell, you have enquired both the parties, today. During the enquiry, the respondent viz. Victor has agreed to extend his support to the land Surveyor to survey 3.50 cents of land in S.No.78/5 through the Revenue Department. The land Surveyor did not raise any objection, and as I have also acceded to it, I hereby submit that I will obtain the land after the survey."

8. After recording the statement of the petitioners and Mr.Victor, the opposite party, the respondent police have closed the enquiry on the ground that the petitioners did not produce any documents to substantiate their claim that they inherited the property in question. There appears to be a dispute in the title to the property. This can be resolved only by the Civil Court and not through police investigation. Hence, this Court does not find any infirmity in the action of the police closing the complaint dated 18.09.2013 given by the petitioner.

In the result, no direction as prayed for by the petitioner can be granted. Hence, the criminal original petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

sms

To

1. The Superintendent of Police,
Kancheepuram District.
2. The Inspector,
Uthiramerur Police Station,
Kancheepuram District.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.N.A.Kareem, Advocate, S.R.No.56309

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EV(CO)
CA(30/10/2015)

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