

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.24947 of 2015

K.Renuka

... Petitioner

Vs

State Represented by
The Inspector of Police,
F-4, Thousand Light Police Station,
Thousand Light,
Chennai 00 006.

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. seeking a direction to direct the respondent police to investigate the case pertaining to the complaint dated 18.08.2015 given by the petitioner and register the case as against the said person K.Gopalakrishnan.

For Petitioner : Mr.M.Sankar
For Respondents : Mr.C.Emalias,
Additional Public Prosecutor.

O R D E R

The present criminal original petition has been filed seeking a direction to the respondent Police to investigate the case pertaining to the complaint given by the petitioner dated 18.08.2015 and register the case as against K.Gopalakrishnan.

2.The case of the petitioner is that the property in T.S.No.92/1 and 93/1 situated at old Venkatapuram Village, Adayar of a total extent of 32 acres and 26 cents belonged to one T.krishnasamy pillai who is the father of the petitioner. The petitioner's father namely T.Krishnasamy Pillai died on 30.09.1982, leaving behind 1.Sulochana (wife), 2.K.Gopalakrishnan(son), 3.K.Renuka (daughter) and 4.K.Srinivasan (son) as his sole legal heirs. After his demise, the above said property was absolutely devolved upon the legal heirs of the deceased T.Krishnasamy pillai. Since the said K.Gopalakrishnan being the eldest male member in the family by taking undue advantage had taken away the original documents from her aged and ailing mother, as if he is going to initiate

action as against the encroachers in the said land. The said K.Gopalakrishnan had entered into a sale agreement with a third party for the purpose of developing the said property, without the consent of the petitioner and her family members, but he had not taken any steps to remove the encroachments. The petitioner came to know only when the purchaser of the property had filed a suit as against the mother of the petitioner and others for specific performance, based on the forged agreement of sale deed at the instance of her brother K.Gopalakrishnan. After enquiry, the petitioner and her family members came to know that the signatures in the said document were forged by the said K. Gopalakrishnan for the purpose of grabbing the

property. The original document is still vested with the accused and after several repeated demand and request, the accused had not produced the said document, which is worth about several crores. After demise of her mother namely K.Sulochana, the petitioner had approached the accused calling upon him to divide the property into metes and bounds and allot the respective shares to the petitioner and her family members. Again, on 19.07.2015 when the petitioner went to the house of the accused, he had assaulted the petitioner and also threatened her with dire consequences. Hence, the petitioner lodged a complaint before the respondent police on 18.08.2015. But, no action has been taken so far. Hence, the petitioner has filed the present criminal original petition.

3.Today, when the matter was taken up for consideration, the learned Additional Public Prosecutor submitted that the allegation made in the petition would show that the matter is civil in nature and thus, he opposed to give a direction. But, the learned counsel for the petitioner denies the same and thus sought for direction.

4.Considering the submissions made on either side, this Court directs the respondent police to conduct enquiry only with regard to the allegation of being assaulted as well as the alleged threat said to have been made by the counter petitioner and proceed further in accordance with law, as early as possible. During the course of enquiry, if no prima facie case has been made out, the respondent is at liberty to pass appropriate order on the complaint given by the petitioner.

5.Accordingly, this petition is disposed of.
ari

s/d-
Assistant Registrar (CS-II)

True Copy

Sub-Assistant Registrar

To

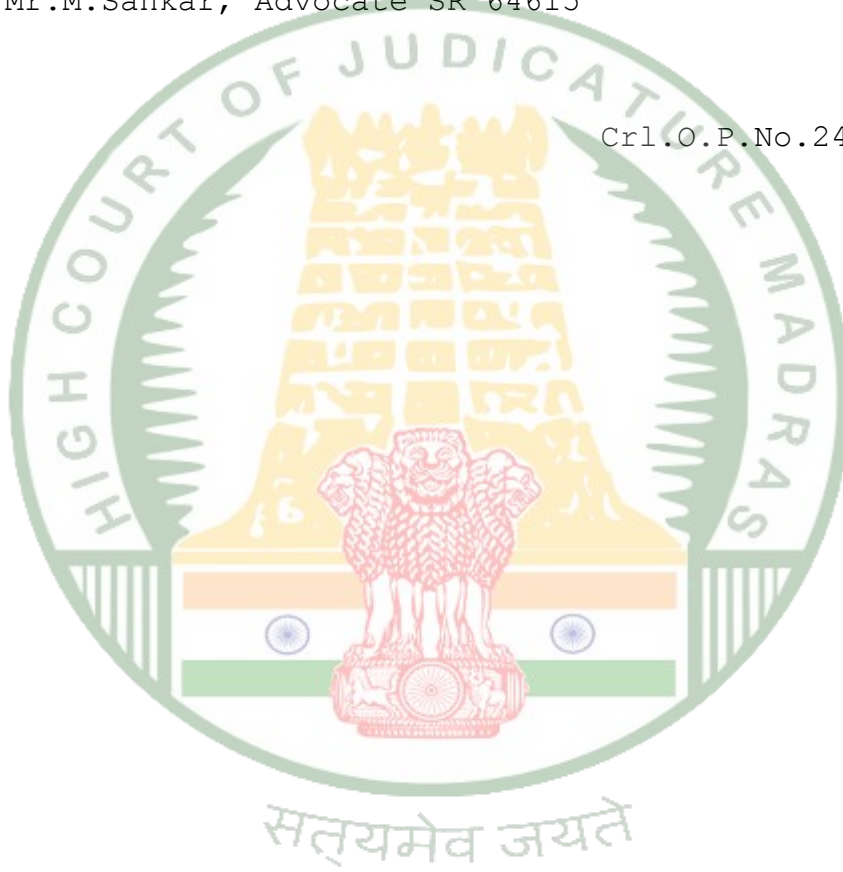
1.The Inspector of Police,
F-4, Thousand Light Police Station,
Thousand Light,
Chennai 00 006.

2.The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.M.Sankar, Advocate SR 64615

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