

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.11.2015

CORAM:

THE HON'BLE Mr.JUSTICE R.SUBBIAH

Cr1.O.P.No.25180 of 2015

Duppula Vimala Kumari

... Petitioner

Vs.

1. The Assistant Commissioner of Police,
Anna Nagar Range,
Chennai.

2. The Inspector of Police,
K-3, Aminjikarai Police Station,
Chennai

... Respondents

Prayer :

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to direct the second respondent to register the case against the complaint preferred by the petitioner on 18.08.2015 before the Commissioner of Police and the same has been transferred to the first respondent in C.No.2417/COP/VISITORS/2015.

For Petitioner : Mr.G.Ashokkumar

For Respondents: Mr.C.Emalias
Additional Public Prosecutor

ORDER

This petition is filed for a direction to the second respondent to register the case against the complaint preferred by the petitioner on 18.08.2015.

2. The petitioner herein lodged a complaint, wherein, it has been stated that her father died leaving intestate in the year 1994, the property situated at Aminjikarai, bearing Survey No.9/2, T.S.No.2, Block No.7, Present T.S.No.56, Block No.6, measuring about 1800 sq.ft belongs to the petitioner's father. After the death of the petitioner's father, the petitioner went and approached her brothers and sisters to get her share. But to shock and surprise of the petitioner, she came to know that the

said property was already divided through partition deed bearing Document No.1980 of 2000 before the Sub Registrar, Kodambakkam.

3. The petitioner further submitted that she is aged about 56 years and suffering from lot of diseases. The brothers and sisters namely 1.Rajagopal Rao 2.Vanaja 3. Srinivasa Rao and 4. Ramadevi, prepared the partition deed by impersonating the petitioner. Hence, she lodged a complaint before the respondent police on 27.07.2015. But the said complaint was not taken so far. Subsequently, the petitioner made another complaint on 18.08.2015 and the said complaint was transferred to the second respondent and it was assigned in C.No.2417 of 2015.

4. When the matter was taken up for consideration today, the learned Additional Public Prosecutor submitted that on completion of enquiry, the said complaint is closed as it is purely civil in nature.

5. The learned counsel appearing for the petitioner denies the same.

6. However, I am of the opinion, since already the complaint has been closed, this Court cannot give any direction in this petition and hence, this Criminal Original Petition is dismissed. However, the petitioner is at liberty to work out her remedy in the manner known to law.

srn/mrp

s/d-

Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

To

1. The Assistant Commissioner of Police,
Anna Nagar Range,
Chennai.
2. The Inspector of Police,
K-3, Aminjikarai Police Station,
Chennai
3. The Public Prosecutor
High Court, Madras.

sr(co)
prk14/12

Cr1.O.P.No.25180 of 2015