

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.11.2015

CORAM:

THE HON'BLE Mr.JUSTICE R.SUBBIAH

Crl.O.P.No.25648 of 2015

V.Sumathy

... Petitioner

Vs.

1.The Superintendent of Police,
Thiruvallur District.

2.The Inspector of Police,
B4, Sevapettai Police Station,
Thiruvur - 602 025.

... Respondents

Prayer :

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to direct the respondent police to register the F.I.R. against his complaint dated 19.12.2014.

For Petitioner : Mr.R.Karunakaran

For Respondents : Mr.C.Emalias

Additional Public Prosecutor

ORDER

This petition is filed for a direction to the respondent police to register the F.I.R. against his complaint dated 19.12.2014.

2.In the petition it is stated that the petitioner belongs to Scheduled Caste community and she has purchased plot no.2 and 5 at Thiruvur on 01.03.2004 measuring to an extent of 4830 sq.ft., and she had obtained patta, chitta, adangal for her property. Whiles, one Govindaraj through an unregistered Will dated 23.11.1998, as if his aunt namely, Kamalammal registered the above said property to his wife Kannammal and on the strength of the above said forged Will, they have obtained decree in O.S.No.31 of 2007 and as against the decree, the petitioner has filed an appeal and the same is pending. It is further stated that the petitioner has filed a suit in O.S.No.685 of 2007 and the same was dismissed on the basis of the above said bogus Will as against which also the petitioner

has filed an appeal and the same is pending before the Sub-Court, Thiruvallur. It is further stated that the property mentioned in the bogus Will is not on the Earth and hence, the petitioner lodged a complaint on 19.12.2014 and the same was not enquired. Hence, she came forward with this petition.

3.Today when the matter was taken up for consideration, the learned Additional Public Prosecutor vehemently opposed to grant direction stating that already there appeals are pending before the Sub-Court, Thiruvallur on the said issue and when that being so, there cannot be any directions to the respondent police to register the F.I.R.

4.I find some force in the submissions of the learned Additional Public Prosecutor that with regard to the same issue already appeals are pending before the Sub Court, Thiruvallur and hence, the petitioner has to work out her remedy only in the said appeals. Therefore, this Court is not inclined to grant any direction and hence, this Criminal Original Petition is dismissed.

sd/
ASSISTANT REGISTRAR (CS-IV)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

pri

To

1.The Superintendent of Police,
Thiruvallur District.

2.The Inspector of Police,
B4, Sevapettai Police Station,
Thiruvur - 602 025.

3.The Public Prosecutor
High Court, Madras.

+1 CC to MR.R.Karunakaran Advocate. SR.NO. 62764

Cr1.O.P.No.25648 of 2015

AR-IV
JD 24/11/2015