

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.26771 of 2015

Perumal

...Petitioner

Vs.

State by

1. The Superintendent of Police,
Vellore & District.

2. The Inspector of Police,
Ponnai Police Station,
Vellore District.

...Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the 2nd respondent to register a case on the basis of the petitioner's complaint dated 18.09.2015 investigate into and proceed with the same as per law within a time frame fixed by this Court.

For Petitioner : Mr.S.N.Ravichandran

For Respondents : Mr.C.Emalias,
Addl.Public Prosecutor

सत्यमेव जयते
O R D E R

This petition has been filed to direct the 2nd respondent to register a case on the basis of the petitioner's complaint dated 18.09.2015 investigate into and proceed with the same as per law within a time frame fixed by this Court.

2. The petitioner is an agriculturist. In and by a sale deed registered as document No.2340 of 2002, on the file of Sub-REgistrar, Katpadi, he purchased certain lands in S.Nos.159/B, 159/6A, 161/1, 159/4E, 159/1L and 159/4 respectively. Whileso in the year 2003, his elder son Kanniyappan coerced the petitioner to register his share in his favour in the above said lands and hence, he executed a sale deed dated 15.12.2003. In the year

2009, the petitioner was shocked to know that by cheating the petitioner, his son had got the entire extent of the lands registered in his name as well as in his wife's favour. The petitioner is an illiterate. Hence, his son got his signature in the documents and registered the same. The petitioner filed a suit on O.S.No.257 of 2009 on the file of District Munsif, Katpadi, Vellore to cancel the said document as null and void and the suit was decreed in favour of the petitioner as the defendant/son of the petitioner/ Kanniappan, remained exparte. The suit filed by his son Kannippan in O.S.No.232 of 2010 for permanent injunction was dismissed as 'not pressed' on 24.01.2012. While so, on 29.1.2015, the petitioner's son Kannippan and others trespassed into the petitioner's sugarcane field and threatened the petitioner. Hence, the petitioner preferred a complaint on 02.02.2015 to the 1st respondent. Again the petitioner's son, his wife and others trespassed into the petitioner's land and completely burnt and destroyed the standing sugarcane of the petitioner with a tractor bearing Rgn.No.TN23-AX-4745. The petitioner preferred a complaint before the respondents in person and also by registered post and the said complaint was registered in Crime No.192 of 2015 for the offence under sections 147, 506(ii), 435 of IPC and Section 3 of T.N.P.P.D.L.Act. The petitioner also filed a writ petition in W.P.No.20950 of 2015 seeking to cancel the registration of document No.5414 of 2003 on the basis of the decree made in O.S.No.257 of 2009. This Court allowed the said writ petition directing the Sub-Registrar, Katpadi, to consider the petitioner's representation dated 19.06.2015 and pass appropriate orders. While so, on 17.09.2015, at about 3.00 p.m., one Thirunavukkarasu and 2 unknown persons trespassed into the petitioner's groundnut field and destroyed the produce, under the instruction of the petitioner's son, his wife, Sivakumar and Balaji. Again, a complaint was given on 18.09.2015. Since no action was taken till date, the present petition has been filed.

3. When the matter is taken up for consideration, learned counsel for the petitioner submitted that the complaint given on 18.09.2015, was not registered so far.

4. Learned Additional Public Prosecutor submitted that in respect of the same property two crime numbers were registered viz., Crime No.192 of 2015 for the offence under section 147, 506(ii) and 435 IPC r/w section 3 of TNPPDL Act and Crime No.97 of 2015 for the offence under sections 294(b) and 506(ii) IPC. He further submitted that in fact, the petitioner had sold the entire property as early as in 2003 to one Thirunavukkarasu. There is a dispute between the petitioner and Thirunavakkarasu, petitioner's son and his wife. The matter appears to be purely civil in nature. Hence, he opposed the petition.

5. Learned counsel for the petitioner denies the same. He submitted that the petitioner is having a decree in his favour, declaring the sale deed as invalid, null and void.

6. Considering the factual aspects of the case, irrespective of the submissions made on either side, this Court directs the 2nd respondent police to conduct an enquiry on the complaint given by the petitioner on 18.09.2015 and if the materials gathered indicates commission of any cognizable offence, the 2nd respondent police is directed to proceed further in accordance with law, as early as possible. If no prima facie case is made out, the 2nd respondent police is directed to pass appropriate orders on the complaint given by the petitioner.

5. This criminal original petition is disposed of accordingly.
vsi

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1. The Superintendent of Police,
Vellore & District.

2. The Inspector of Police,
Ponnai Police Station,
Vellore District.

3.The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.S.N.Ravichandran, Advocate Sr 63129.

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