

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2015

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

CrI.O.P.No.27281 of 2015

R.Malliappan

... Petitioner

Vs

1. The State by
The Commissioner of Police,
Vepery, Chennai - 600 007.
 2. The Deputy Commissioner of Police,
Kilpauk Range, Chennai - 600 010.
 3. The Inspector of Police,
G-7, Chetpet Police Station,
Chetpet, Chennai - 600 031.
- ... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. seeking a direction to the respondent police to register the petitioner's complaint dated 29.10.2015 and file the final report.

For Petitioner : Mr.K.Balaji

For Respondents : Mr.C.Emalias
Additional Public Prosecutor

O R D E R

The present criminal original petition has been filed to direct the respondent to register the petitioner's complaint dated 29.10.2015 and file the final report.

2. The petitioner along with his family members is residing at No.80, Appasamy Street, Old Chetpet, Harringdon Road, Chennai - 600 031. The said property belong to his father-in-law Krishnasamy and he has bequeathed his property in favour of the petitioner by a Will dated 30.10.1988. After the death of his father-in-law, the petitioner succeeded the property and is in possession of the same. All the documents of the property, including the Will were kept in a suitcase in the residence of the petitioner. One Mr.Chakravarthi, a retired Sub Inspector of Police has an eye on the property of the petitioner. In the year 2014, on the instigation of the said Chakravarthi, the sister-in-law of the petitioner namely Lakshmi Devi, her son Nellakandan, daughter-in-law Thilagavathi and Charles

colluded with each other and took away the original documents including the Will from the petitioner's house. Thereafter, during the month of August, the above said persons including the daughter and son-in-law of Mr.Chakravarthi namely Mrs.Jayalakshmi and Mr.Arun Prasad have created a document under the guise of Sale Deed and illegally trying to evict the petitioner and his family members from the above said property. Immediately, the petitioner lodged a complaint to the second respondent. But till date no action was taken. Hence, the present criminal original petition has been filed.

3. I have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

4. The learned Additional Public Prosecutor submitted that the dispute is purely civil in nature and the complaint is very vague and no specific date of occurrence has been mentioned in the complaint.

5. In view of the submissions made on either side, this Court directs the petitioner to give a fresh complaint with all the details, within a period of one week from the date of receipt of a copy of this order and on receipt of the same, the third respondent is directed to conduct enquiry and upon enquiry, if materials are gathered indicating commission of any cognizable offence, he is directed to proceed further in accordance with law and if, no prima facie case has been made out, the third respondent is directed to pass an appropriate order on the said complaint.

6. This criminal original petition is disposed of accordingly.
Vrc

Sd/-
Assistant Registrar (CS-III)

/True Copy/
सत्यमेव जयते

Sub-Assistant Registrar

To

1. The Commissioner of Police,
Vepery, Chennai - 600 007.
2. The Deputy Commissioner of Police,
Kilpauk Range, Chennai - 600 010.

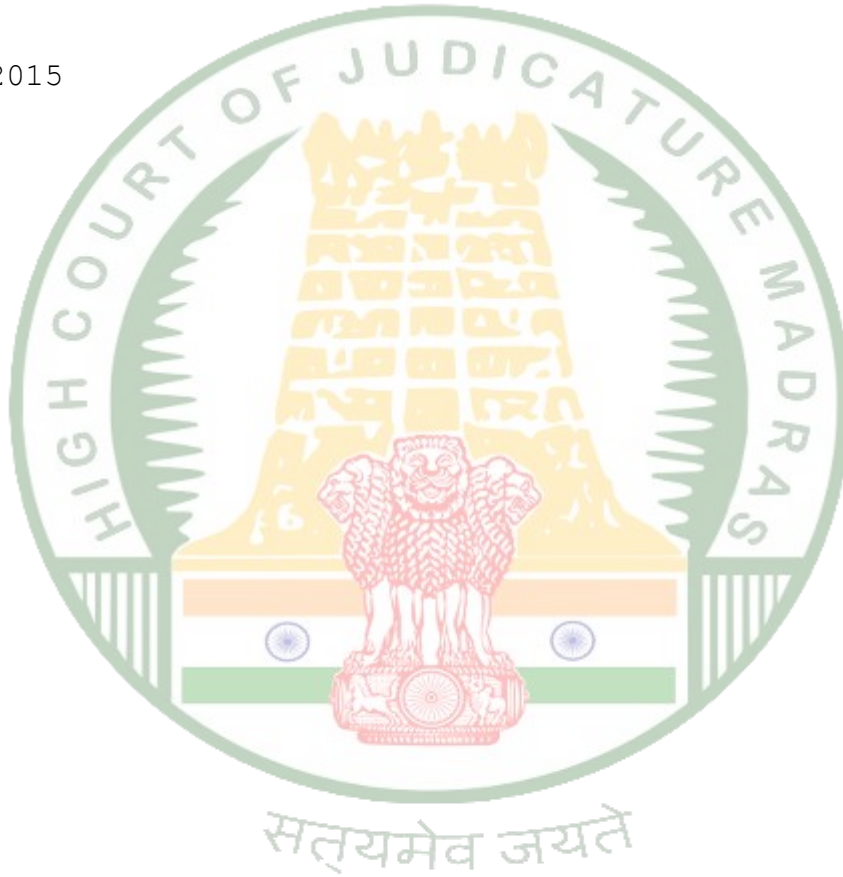
3. The Inspector of Police,
G-7 Chetpet Police Station,
Chetpet, Chennai - 600 031.

4. The Public Prosecutor,
High Court, Madras.

+1 C.C. To MR.K.Balaji, Advocate in SR.NO.62943

Cr1.O.P.No.27281 of 2015

VSN(CO)
sd : 11/12/2015



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