

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.27287 of 2015

A.Ashok Kumar

... Petitioner

Vs

The Inspector of Police,
G.7, Chetpet Police Station,
Chennai-31.

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondent police to register the FIR based on the complaint dated 9.10.2014 given by the petitioner herein and proceed with the investigation and file a final report.

For Petitioner : Mr.D.Senthil Kumar

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

ORDER

The present criminal original petition has been filed seeking a direction to the respondent police to register the FIR based on the complaint dated 9.10.2014 given by the petitioner herein and proceed with the investigation and file a final report.

2. In the petition, it is averred that originally the land and building bearing Door No.3/5, Brindavanam 4th Street, Chetpet, Chennai-31 measuring to an extent of 750 sq.ft. was owned and possessed by the petitioner's paternal great grandmother Ellammal. The said Ellammal had two sons viz., A.Kannan (the petitioner's paternal grand father) and A.Durai. The said Ellammal died on 10.5.1978 and after her death her sons were in possession and enjoyment of the said property. After the death of Kannan and Durai, the petitioner and the wife of Durai viz., Chellammal were in possession and enjoyment of the property. On 30.7.1984, one Ramani, the only daughter of A.Durai also died. After her death, the said Chellammal with an intention to grab the property that belongs to the petitioner, had settled the property as gift to her brother's son P.Karthi

through gift deed dated 28.4.2001 without the knowledge of the petitioner. Hence, the petitioner lodged a complaint before the respondent on 9.10.2014 and the respondent issued CSR in No.393/CSR/G7PS 10/2014. But, till date, no action was taken on the said complaint. Hence, the present petition.

3. Learned Additional Public Prosecutor vehemently opposed to give such a direction stating that the matter is purely civil in nature. He has further submitted that there is a disputed question of fact, which has to be agitated only before the civil forum.

4. I find some force in the submission made by the learned Additional Public Prosecutor. The petitioner ought to have approached the civil Court and this Court cannot give a direction to the respondent police to enquire into the matter. Therefore, the prayer that has been made in this criminal original petition cannot be granted. Hence, the present criminal original petition is dismissed. However, the petitioner is at liberty to work out his remedy in a manner known to law, if he is so advised.

sbi

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The Inspector of Police,
G.7, Chetpet Police Station,
Chennai-31.

2. The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.D.Senthil Kumar, Advocate SR 61566

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