

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

CrI.O.P.No.27495 of 2015

Banumathi

... Petitioner

Vs

1. State by :
The Superintendent of Police,
Cuddalore District,
Cuddalore.
 2. The Inspector of Police,
Annamalai Nagar Police Station,
Chidambaram,
Cuddalore District
- ... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. seeking a direction to the second respondent to register a case based on the complaint dated 01.08.2015.

For Petitioner : Mr.P.Pugalenthir

For Respondents : Mr.C.Emalias
Additional Public Prosecutor

O R D E R

The present criminal original petition has been filed to direct the second respondent to register a case based on the complaint of the petitioner dated 01.08.2015.

2. The petitioner's husband Kaliyaperumal was working as an Office Assistant in the Tamil Nadu Public Works Department. On 18.07.1991, the husband of the petitioner died. The petitioner and her husband had purchased a land in the name of their elder son, viz., K.Rajendran. On 16.08.2012, the petitioner's elder son Rajendran died due to heart attack. After his death, his wife namely Parimala and one Ramakrishnan forged a Will said to have been executed on 06.08.2012 by the elder son of the petitioner. Based on the said Will, the said Parimala executed a sale deed in favour of the said Ramakrishnan on 27.07.2015. On 28.07.2015, the said Ramakrishnan came to the

property along with henchmen and threatened the petitioner to vacate the property. Immediately the petitioner lodged a complaint before the second respondent. As the second respondent refused to receive the complaint, the petitioner gave the complaint to the first respondent and the same was forwarded to the second respondent. But till date, no action has been 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 respondents.

4. The learned Additional Public Prosecutor submitted that the dispute is purely civil in nature and thus opposed for granting any direction. The learned counsel for the petitioner denied the same and submitted that documents have been forged and thus sought for direction.

5. In view of the submissions made on either side, this Court directs the second respondent to conduct enquiry on the complaint given by the petitioner dated 01.08.2015 and to proceed further in accordance with law and during the course of enquiry, if the second respondent comes to the conclusion that the dispute is civil in nature, he can pass appropriate order on the complaint of the petitioner.

6. This criminal original petition is disposed of accordingly.

vrc

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

To

1. The Superintendent of Police,
Cuddalore District,
Cuddalore.
2. The Inspector of Police,
Annamalai Nagar Police Station,
Chidambaram,
Cuddalore District
3. The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.P.Pugalenthii, Advocate SR 63354

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