

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2015

CORAM:

THE HON'BLE MR.JUSTICE R.SUBBIAH

Cr1.O.P.No.27588 of 2015

Pasupathy

... Petitioner

Vs.,

The Station House Officer,
Mettupalayam Police Station,
Puducherry.

... Respondent

Prayer: Petition filed under Section 482 of the Criminal Procedure Code praying to direct the 2nd respondent to register the FIR on the petitioner's complaint dated 12.10.2015.

For Petitioner : Mr.S.Nirmal Kumar

For Respondent : Mr.A.Tamilvanan, GA (P)

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ORDER

This Criminal Original Petition has been filed by the petitioner praying to direct the respondent-police to register a case on the basis of the complaint dated 12.10.2015 given by the petitioner.

2.In the affidavit filed in support of the petition, it has been stated by the petitioner that he is one of the owners of the property bearing R.S.No.4/1 Cadastre No.2612/1, 2612/2 of 34-Thattanchavady Revenue Village, which had initially been purchased by his grandmother late Sinthamani Ammal W/o.Muthusamy Gounder, vide two sale deeds viz., Sale Deed registered in R.V.146 No.75 dated 20.06.1957 executed by one Sakkrapani Nayaker S/o.Somu Nayakar and Sale Deed registered in R.V.359 No.8 dated 12.12.1946. The said land was in the peaceful possession and enjoyment of the estate of Sinthamani Ammal W/o.Muthusamy Gounder. Thereafter, the said property was settled in favour of the petitioner's father Ganapathy Gounder, vide Settlement Deed Doc.No.328/1971, dated 23.03.1971 by late Sinthamani Ammal. After the demise of the petitioner's father, the said property is in possession and enjoyment of the

petitioner and his sisters. While so, the petitioner came to know that one Seetharaman S/o.Sakarapani Nayakar has executed a General Power of Attorney Deed vide No.1603/2015 dated 09.07.2015 on the file of Sub-Registrar, Oulgaret, in favour of one Thiru.G.S.Prabakaran S/o.Subramanian, in respect of the said property, with an ulterior motive to grab the property, which belong to the petitioner and his sisters. Hence, the petitioner lodged a complaint with the respondent-Police on 12.10.2015. Since no action is taken by the respondent-Police on the petitioner's complaint, the petitioner has come forward with the present petition before this Court.

3.When the matter is taken up for consideration, the learned Government Advocate (Pondicherry) submitted that the matter is purely civil in nature; however, on receipt of the petitioner's complaint, C.S.R.No.96 of 2015 has been assigned.

4.Considering the facts and circumstance of the case and the fact that the petitioner's complaint has been assigned CSR number, this Court directs the respondent-Police to conduct an enquiry in CSR.No.96 of 2015 and dispose of the same in accordance with law, as early as possible, preferably within a period of two months from the date of receipt of a copy of this order.

With the above direction, this criminal original petition is disposed of.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

ssv

Copy to_

1.The Station House Officer,
Mettupalayam Police Station,
Puducherry.

2.The Public Prosecutor for Puducherry
High Court Madras

+1 cc to Mr.S.Nirmal kumar Advocate sr.61956

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