

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Crl.O.P.No.28264 of 2015

S.Ganeshan

... Petitioner

Vs

1.State by Sub-Inspector of Police,
Uthangarai Police Station,
Uthangarai,
Krishnagiri District.

2.District Superintendent of Police,
Krishnagiri District.

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. seeking a direction to the first respondent to register the F.I.R., on the complaint given by the petitioner dated 08.07.2015 pending on the file of the first respondent and to investigate the complaint of the petitioner and to file the Final report under Section 173 of Cr.P.C.

For Petitioner : Mr.V.Rameshvel

For Respondents : Mr.C.Emalias
Additional Public Prosecutor.

ORDER

The present criminal original petition has been filed seeking a direction to the first respondent to register a case based on the complaint given by the petitioner dated 08.07.2015; to investigate and to file a final report under Section 173 of Cr.P.C.

2.It is the case of the petitioner that the petitioner's brother Varadharajan, without knowledge and consent of the petitioner, created a partition deed on 03.09.2007 amongst himself and his children bearing Doc.No. 3106 of 2007 before Sub Registrar Office, Uthangarai and thereby included the joint family property of the petitioner in S.Nos.31/1, 29/7D and 29/B in the said partition deed. The petitioner came to know that the encumbrance has been created by the said Varadharajan, without knowledge of the petitioner and the petitioner questioned the unlawful act of the said Varadharajan and sought to cancel the said document. But, he did not accept the same. Due to the unlawful act of the said Varadharajan in grabbing the land of the petitioner by means of creating invalid partition deed in defrauding the petitioner's right

over the property, the petitioner lodged a complaint before the first respondent on 08.07.2015. But, no action has been taken so far. Hence, the petitioner has filed the present criminal original petition.

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 matter is purely civil in nature and hence, he opposed to grant a direction to the petitioner.

5. In view of the submissions made by the learned Additional Public Prosecutor that the allegation made in the complaint is purely civil in nature, the prayer 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.

vs/ari

sd/-

Assistant Registrar (C.O.)

/True Copy/

Sub-Assistant Registrar

To

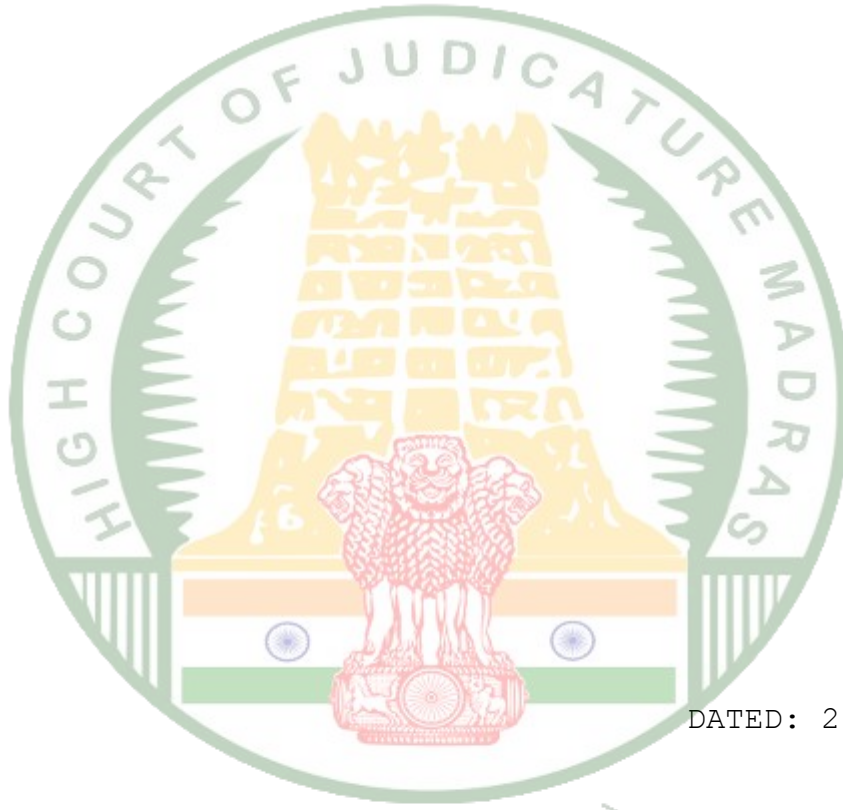
1. The Sub-Inspector of Police,
Uthangarai Police Station,
Uthangarai,
Krishnagiri District.
2. The District Superintendent of Police,
Krishnagiri District.
3. The Public Prosecutor,
High Court, Madras.

+One CC Mr.V.RAMESH VEL, Advocate in SR.NO. 63749/15

Cr1.O.P.No.28264 of 2015

TM (C.O)

MLT 29/12/2015



DATED: 24.11.2015

सत्यमेव जयते

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