

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.28394 of 2015

N.K.Gopal

... Petitioner

Vs

1. The District Superintendent of Police,
District Police Office,
Nagappattinam Town and District
 2. Deputy Superintendent of Police
Anti Land Grabbing Special cell,
Nagappattinam Town and District
 3. The Inspector of Police,
Anti Land Grabbing Special cell,
Nagappattinam Town and District
- ... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the 3rd respondent police to register a case on the complaint dated 30.09.2015.

For Petitioner : Mr.C.Nagamuthu

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

O R D E R

The present criminal original petition has been filed seeking a direction to direct the 3rd respondent police to register a case on the complaint of the petitioner dated 30.09.2015

2. The petitioner herein lodged complaint against one Prathapchandiran, Thamilarasi and her husband Ayyasamy on 30.09.2015 before the 1st and 2nd respondents. The petitioner, who is non-resident of India has purchased the property from one Ponnusamy, son of Narayanan. The said Ponnusamy executed a Will

in favour of his two wives namely Pattammal and Chinnachi, the same was also registered in Document No.3 / 1985. Though the Will was executed in favour of his wives, they were not granted any right to sell the property except enjoyment right during the life time. The said Ponnusamy was also died on 07.1.1998, but during the life time of Ponnusamy, some of the properties were already sold, after the death of Ponnusamy, first wife Pattammal, the second wife Chinnachi has no right over the mentioned property to sell the same except enjoyment right. In these circumstances, one Thamilarasi, daughter of one Muthaiya, cheated the said Chinnachi by taking advantage of her old age and has sold the property in dispute to one Prathap Chandran. Hence the petitioner has lodged a complaint. Since no action was taken, the petitioner has come forward with the present petition.

3. When the matter was taken up for consideration, the learned Additional Public Prosecutor submitted that the complaint was sent to the Superintendent of Police, Nagapattinam and the same was forwarded to the 3rd respondent police to conduct enquiry. It is further submitted that the matter is purely civil in nature. Thus, he opposed to grant any direction.

4. I have heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the respondents.

5. Irrespective of the submissions made on either side, this Court directs the 3rd respondent police to conduct enquiry and upon enquiry if there are materials indicating commission of cognizable offence, he is directed to investigate the matter and if there is no prima facie case to register a complaint, the 3rd respondent police is further directed to pass appropriate orders on the said complaint as early as possible.

6. This criminal original petition is disposed of accordingly.

Sd/
ASSISTANT REGISTRAR (CS-IV)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

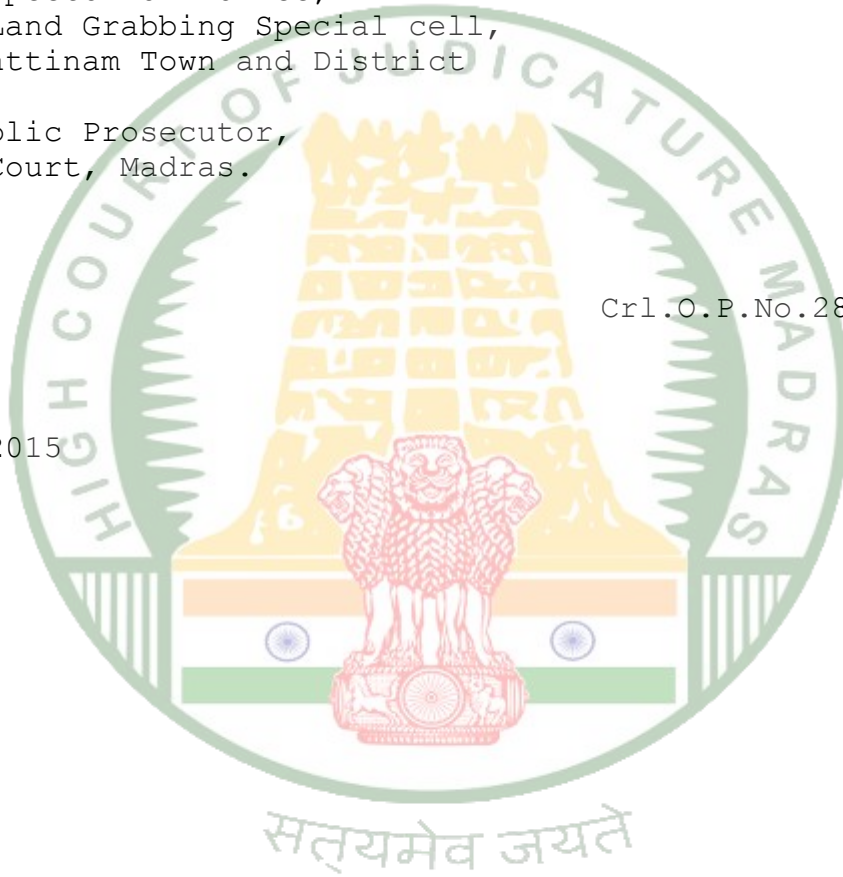
ssd

To

1. The District Superintendent of Police,
District Police Office,
Nagappattinam Town and District
2. Deputy Superintendent of Police
Anti Land Grabbing Special cell,
Nagapattinam Town and District
3. The Inspector of Police,
Anti Land Grabbing Special cell,
Nagapattinam Town and District
4. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.28394 of 2015

CO-AD
JD 29/12/2015



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