

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.28597 of 2015

K.Gnana Soundari

...Petitioner

Vs.

The State represented by
The Inspector of Police,
Sevor Police Station,
Tirupur District.

...Respondent

Criminal Original Petition filed under Section 482
Cr.P.C. seeking a direction to the respondent police to register
a case on the petitioner's complaint dated 04.09.2015.

For Petitioner : Mr.S.V.Karthikeyan

For Respondent : Mr.C.Emalias
Additional Public Prosecutor

ORDER

The present criminal original petition has been filed
seeking direction to the respondent police to register a case
based on the complaint of the petitioner dated 04.09.2015.

2.The case of the petitioner is that the petitioner
along with her daughters are residing at No.624, Kannan
Textiles, Sevor, Avinasi Taluk, Thirupur District. The
petitioner's husband died on 18.02.2015. During the life time
of her husband, the husband of the petitioner and his brother
have purchased certain properties and developed a spinning mill
by name ''Kannan Textiles''. After his death, the petitioner
and her brother-in-law are continuously doing the said business
in the above said premises and the property is in the possession

and occupation of the petitioner, as settled by her husband in a Will executed on 17.09.2014. In the meanwhile, one Natarajan, Samiappan and Palanichamy, who are the sons of sister-in-law of the petitioner, have attempted to enter into the portion of the premises stating that they had purchased 1/4th undivided share from the petitioner's mother-in-law, who executed a sale deed to the said persons in respect of her undivided share, based on the legal heir certificate. On the basis of the same, the counter petitioners made an attempt to take over the possession of the property and they have also threatened the petitioner along with her daughters with dire consequences. Hence, the petitioner lodged a complaint before the respondent police. But, no action has been taken so far. Therefore, 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 has vehemently opposed to grant direction that it is purely civil dispute and the petitioner has given a criminal colour to the complaint by introducing the allegation of being threatened. He further submitted that on receipt of the complaint of the petitioner, C.S.R.No.99 of 2015 has been assigned and the matter is pending for enquiry. But, the learned counsel for the petitioner denies the same and thus sought for direction.

5.In view of the submissions made by the petitioner as well as the Additional Public Prosecutor, this Court directs the respondent to conduct enquiry based on the complaint of the petitioner dated 04.09.2015 in C.S.R.No.99 of 2015 and upon enquiry, if materials are gathered indicating commission of any cognizable offence, he is directed to proceed further in accordance with law, as early as possible. During the course of enquiry, the respondent comes to the conclusion that the matter is purely civil in nature, he may pass an appropriate order in accordance with law.

6.This criminal original petition is disposed of accordingly.
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Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

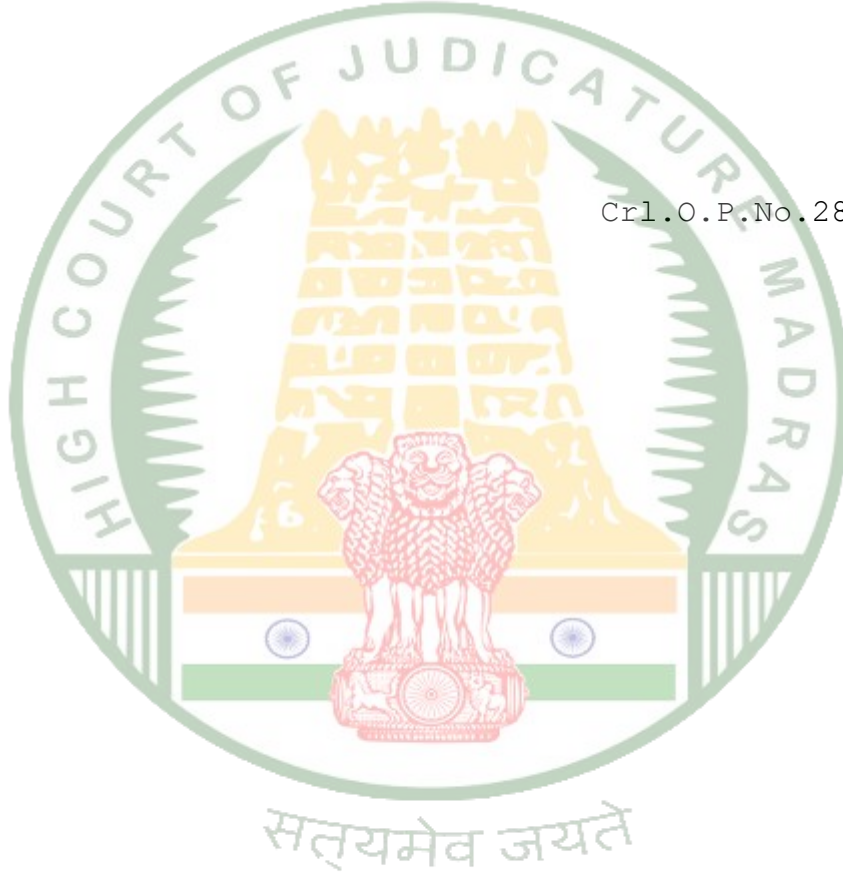
1.The Inspector of Police,
Sevor Police Station,
Tirupur District.

2. The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.S.V.Karthikeyan, Advocate Sr 64724.

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