

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.29267 of 2015

R.Shahid

... Petitioner

Vs

1. The Commissioner of Police,
Vepery,
Chennai-600 007.

2. The State,
Rep. by the Inspector of Police,
CCB, EDF-III,
Vepery,
Chennai-600 007.

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondent police herein to conduct enquiry and investigate based on the petitioner's complaint dated 21.11.2015 and to file an FIR.

For Petitioner : Mr.M.Kempuraj

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 2nd respondent police herein to conduct enquiry and investigate based on the petitioner's complaint dated 21.11.2015 and to file an FIR.

2. The petitioner herein filed a complaint before the 1st respondent police and seeks for a direction to enquire, investigate and register the complaint as against Chinnammal and 19 others.

3. The petitioner's grand father late M.A.Hakeem had purchased a property situated at Keelkattalai Village Survey No.301/7, Pymash No.249/1 part 268/3 measuring an extent of 13 cents and survey no.301/3, Pymash No.268/3 part 269 part measuring 0.34 cents totally admeasuring 0.47 cents from Chinnamal and 19 others by a deed of sale dated 07.10.1967

registered as document no.1738 of 1967 before the Sub-Registrar, Pallavaram. Ever since the date of purchase, the petitioner's grand father late M.A.Hakeem was in peaceful possession and enjoyment of the property and all the revenue records such as patta, chitta, adangal and kist receipt also stood in the name of petitioner's grand father. While so, on 23.05.1985, petitioner's grand father expired leaving behind the following legal heirs:-

1. Tmt.Dawood Bee- Wife
2. Thiru A.Abdul Rahim - Son
3. Tmt.H.Maimuna - Daughter
4. Tmt.Balkis - Daughter.
5. Tmt.Zainab - Daughter
6. Tmt. Mariyam - Daughter
7. Thiru. H.Abdul Kareem - Son
8. Thiru Abdul Gaffor- Son
9. Thiru H.Sultan - Son
- 10.Thiru H.Abubacker Siqqique - Son

4. After the demise of the petitioner's grand father, his wife subsequently expired on 26.10.2004. While so, few persons under the guise of vendors along with their sons, 1.M.Sivalingam S/o Murugavel (Late) 2. Chinnaponnu w/o Chinnakutti (Late) 3. C.Vijayan 4. C.Rajendran 5. Ramu, 6. C.Antony, 7.C.Muthu, 8. Soundararajan 9. Rose 10. Manivannan 11. Karpagam, 12. Pargunan, 13.Parthiban,14. Duraisingh 15. C.Bairavan 16. C.Rani and 17. M.Paulraj fraudulently created power of attorney in favour of one Paulraj. In fact they did not have any original patta and documents. Hence the present complaint was lodged on 21.11.2015. Since no action has been taken till date, the petitioner has come forward with the present petition.

5. Today, when the matter was taken up for consideration, learned Additional Public Prosecutor submitted that the petition is closed in view of the pendency of the Writ Petition in W.P.No.6535 of 2015. He would further submit that no enquiry was conducted before closing the complaint.

6. Since the complaint was closed without enquiry, this Court directs the 2nd respondent police to conduct enquiry and proceed further in accordance with law as early as possible.

7. This criminal original petition is disposed of accordingly.

ssd

-s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

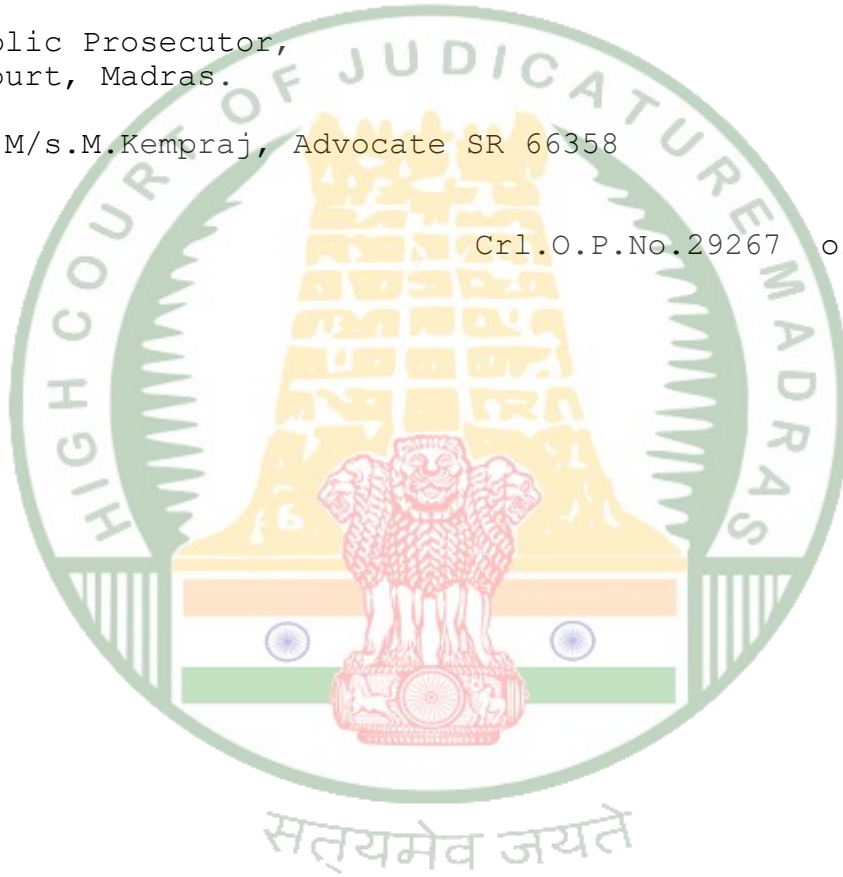
To

1. The Commissioner of Police,
Vepery,
Chennai-600 007.
2. The State,
Rep. by the Inspector of Police,
CCB, EDF-III,
Vepery,
Chennai-600 007.
3. The Public Prosecutor,
High Court, Madras.

+ 1 cc to M/s.M.Kempuraj, Advocate SR 66358

rsk(co)
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