

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH
CRL.OP.No.30043/2015

K.Ravichandran

...Petitioner/Complainant

Versus

The Sub Inspector of Police
District Crime Branch [Land Grabbing]
Villupuram.

...Respondent/Defacto Complainant

Criminal Original Petition filed under section 482 Cr.P.C.,
directing the respondent police to register a case based upon
the petitioner representation dated 23.11.2015.

For Petitioner : Mr.E.C.Ramesh
For Respondent: Mr.C.Emalias, APP for R1

ORDER

The petitioner in his complaint has averred that he along with three brothers and three sisters are the legal heirs of his father Kannupillai, who expired on 29.07.1998 settling the properties in favour of his sons and according to such settlement, the D Schedule property in Survey Nos.77/10 and 190/2 admeasuring 66 cents belongs to the petitioner herein. In the interregnum, his third elder brother Chinnapparaj expired leaving behind his wife Maheswari and son Sribaranichander as his legal heirs who were enjoying their share of the properties. While so, the petitioner's brothers Jayaraman, Radhakrishnan approached the petitioner along with one Naser, a Real Estate owner for purchasing the property of the petitioner, to which act, the petitioner was not amenable. Thereafter, the said brothers of the petitioner along with the wife of the deceased brother Chinnaparaj, created a forged partition deed excluding the name of the petitioner and executed Document No.949/2015 on 16.02.2015 on the file of the Sub Registrar, Vikravandi. Based on the said deed, Jayaraman, Radhakrishnan, Maheswari and her son executed a Power of Attorney in favour of one Kabar through the Document No.950/2015, who in turn, executed a sale deed in favour of his brother Naser in Document No.1148/2015 dated 30.03.2015. Hence, the petitioner approached the respondent police in person and gave complaints on two occasions, viz., on 11.09.2015 and 23.10.2015 and since no action was taken by the police, he once again lodged a complaint on 23.11.2015. But,

till date no FIR has been registered by the respondent police. Aggrieved by the said in-action on the part of the respondent, the petitioner has approached this Court by way of filing the present petition.

2.Learned Additional Public Prosecutor submits that since the petitioner has not cooperated for the enquiry, his complaint was closed.

3.Learned counsel for the petitioner denies the same and prays that appropriate direction may be given to the respondent to reopen the case.

4. In view of the submission made by the learned Additional Public Prosecutor, the respondent is hereby directed to reopen the case and conduct enquiry on the complaint and upon enquiry, if the materials are gathered indicating any cognizable offence, he is directed to proceed further in accordance with law as early as possible. In the course of enquiry, if no prima facie is made out or the matter is civil in nature, he is directed to pass appropriate orders on the complaint made by the petitioner.

5. The criminal original petition is disposed of accordingly.

-s/d-

Assistant Registrar(CSII)
dt:18/01/2016

True Copy

Sub-Assistant Registrar

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To

1.The Sub Inspector of Police
District Crime Branch [Land Grabbing]
Villupuram.

2.The Public Prosecutor
High Court, Madras.
+1 cc to Mr.E.C.Ramesh Advocate sr.68688

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