

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2015

CORAM

The Hon'ble Mr. Justice R.S.Ramanathan

Cr1.O.P.No.5851 of 2015

R.Mala @ Jayanthi Mala  
W/o.L.Kannan

...Petitioner

vs.

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

2. The Inspector of Police  
Central Crime Branch, Team II  
Vepery, Chennai - 600 007

...Respondents

Criminal Original Petition filed under Section 482 of the Criminal Procedure Code praying to direct the respondents to register the case based on the complaint dated 17.02.2015.

For Petitioner : No appearance

For Respondents : Mr.M.Maharaja  
Additional Public Prosecutor

O R D E R

No representation for the petitioner.

2. This petition has been filed, seeking a direction to the respondents police to register the case based on the complaint of the petitioner dated 17.02.2015.

3.It is submitted by the learned Additional Public Prosecutor that the case was enquired into and since the matter relates to civil transaction and the petitioner was advised to approach the Civil Court.

4. According to me, the Inspector of Police without properly appreciating the contents of the complaint refused to register the case. It is stated in the complaint that the petitioner's husband purchased the property which is situated in Plot No.21, Yashwanth Nagar having an extent of 1980 sq.ft and registered the sale deed in Document No.361/1987 and now it has been encroached upon by some persons. It is further stated in the complaint that the persons who encroached upon the property created forged documents such as Death Certificate of the petitioner's husband Kanan as if he died on 30.04.2001 and also obtained Legalheir ship Certificate fraudulently in No.82960 dated 30.08.2003 and created a Power of Attorney in favour of one Muthu, Narayanan and registered the same in Document No.1890 of 2014 in the office of the Sub-Registrar, Tambaram and sold the property to one Christy Fernando in Document No.298 of 2005. Further, Adilakshmi, Navaneethakrishnan and Gunapushanam and others created a sale deed in Document No.177 of 2012 in respect of the very same property stating that Kannan, the original owner died on 25.12.2000 and also obtained a declaration from the Court that the said Kannan died. Having regard to such allegation made in the complaint, it is the duty of the police to enquire into regarding the fraudulent transaction.

5. Accordingly, this Criminal Original Petition is allowed and the second respondent is directed to register a case based on the complaint of the petitioner dated 17.02.2015 and investigate the same.

Sd/-

Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

सत्यमेव जयते

gpa

To

1. The Commissioner of Police  
Greater Chennai  
Vepery, Chennai - 600 007
2. The Inspector of Police  
Central Crime Branch, Team II  
Vepery, Chennai - 600 007

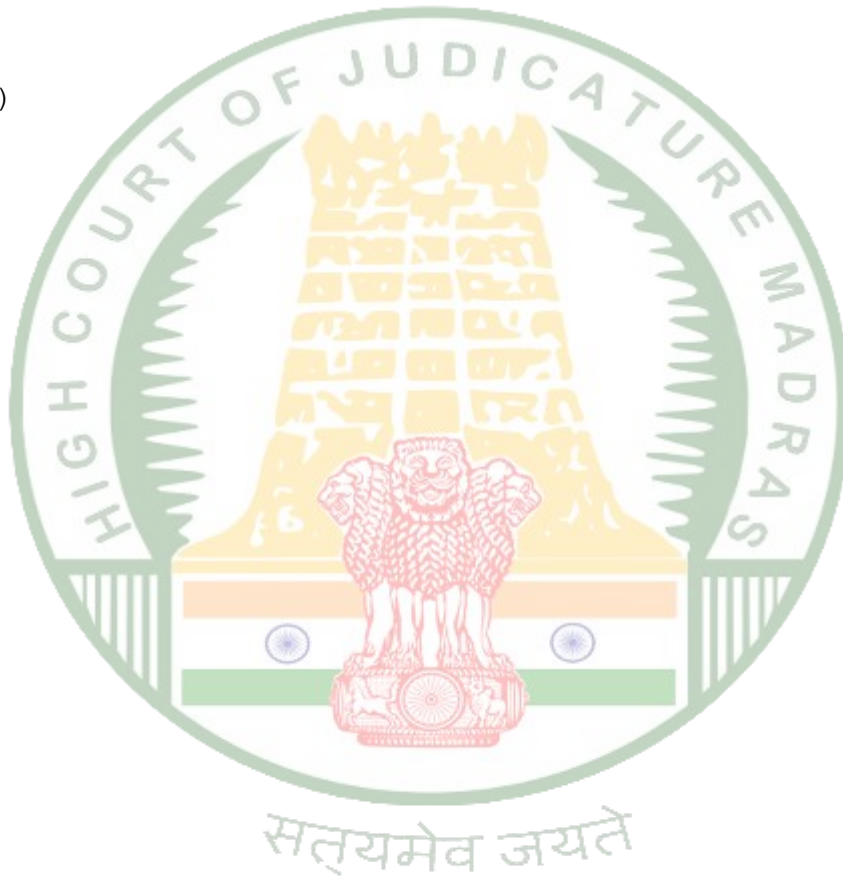
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3. The Public Prosecutor  
High Court, Madras.

1 cc to Mr.D.Uma Shankarram, Advocate, sr. 13565

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LRS (CO)  
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