

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2015

CORAM :

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

CrI.O.P.No.6339 of 2015

R.Mala

...Petitioner

Vs.

The Superintendent of Police
Kancheepuram District
Kancheepuram.

...Respondent

Prayer:- Petition has been filed under Section 482 of Cr.P.C. to direct the respondent to register the complaint dated 06.01.2015 given by the petitioner acknowledged and taken on file in Sl.No.42 of 2015 dated 06.01.2015 on the file of the respondent and to file FIR.

For Petitioner : Mr.N.Ponraj

For Respondent : Mr.C.Emalias
Additional Public Prosecutor

For Intervenor : Mr.R.C. Paul Kanagaraj
for Mr.C.Vediappan

O R D E R

The petitioner has come forward with this petition to direct the respondent to register the complaint dated 06.01.2015 given by the petitioner acknowledged and taken on file in Sl.No.42 of 2015 dated 06.01.2015 on the file of the respondent and to file FIR.

2.Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent and perused the materials placed on record.

3. It is the case of the petitioner that the property in question belong to her husband was falsely transferred by the accused in the name of his wife, namely, Malarkodi by document

No.2553/2007 dated 09.03.2007. In this regard, earlier, on the complaint given by one Manivanan, who is said to be a Realtor, FIR was registered in Crime No.25 of 2014 by the District Crime Branch, Kancheepuram. Aggrieved by the registration of FIR, the accused therein approached this Court in CrI.O.P.Nos.16818, 16819 and 17610 of 2014 for quashing the FIR. This Court heard the matter and was pleased to quash the FIR by an order dated 04.02.2015. The order of this Court was up-held by the Hon'ble Supreme Court and the Hon'ble Supreme Court has dismissed the Special Leave Petition on 30.03.2015. While so, this petitioner has filed a fresh complaint, in which she wants enquiry to be conducted.

4.The learned counsel appearing for the petitioner relied upon a report purported to be issued by a private Forensic Science Laboratory, who has opined that signature in the impugned documents is not that of her husband's.

5.The learned Additional Public Prosecutor also brought to the notice of this Court that in the ratification deed dated 11.02.2015, which is a registered document, after the death of the petitioner's husband, she has signed the ratification deed and this fact has been suppressed in the complaint given by the petitioner to the respondent police.

6.In the considered opinion of this Court, it is apparent to note that said Manivanan is operating the whole show behind the petitioner. Therefore, it is a clear case of abuse of process of law by hopping from one police station to another with the same set of facts which amounts to witch hunting of the proposed accused. Admittedly, such fishy investigation by private agency cannot be permitted in the matter, which has already attained finality up to Supreme Court.

6.For all the above reasons, no positive direction, as sought for, by the petitioner can be granted and this petition deserves to be dismissed with cost of Rs.5,000/- (Rupees five thousand only) to the Tamilnadu Legal Services Authority within a period of two weeks from today.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

ssd

To

1. The Superintendent of Police
Kancheepuram District
Kancheepuram.

2. The Public Prosecutor,
High Court, Madras.

1 CC to Mr.N.Ponraj, Advocate SR.No. 19380

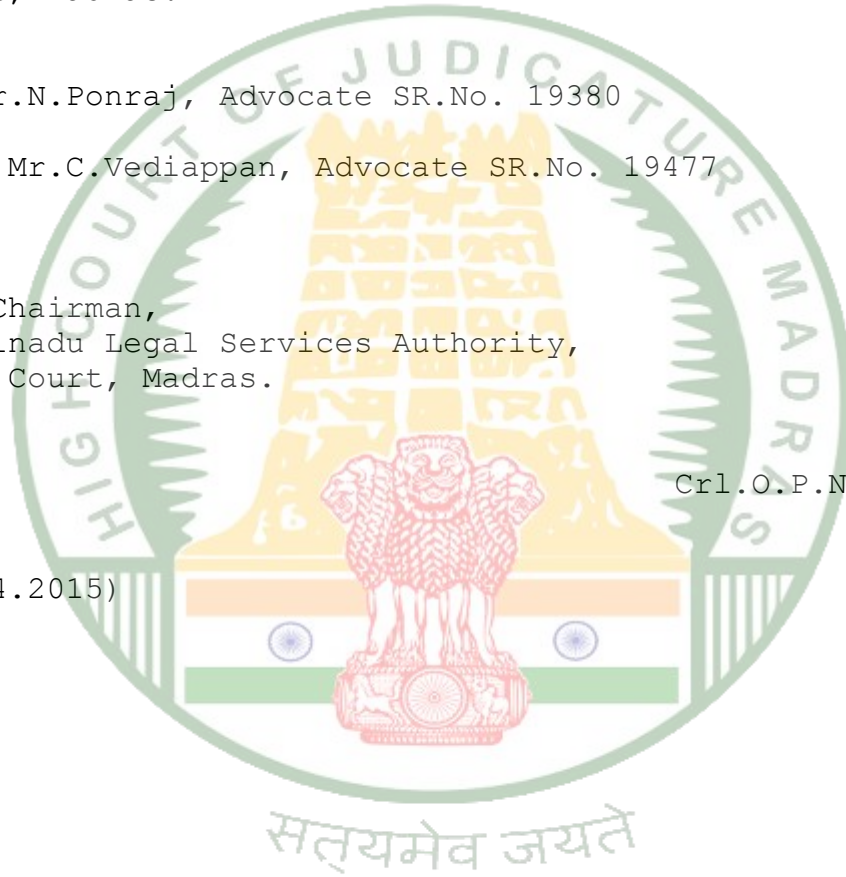
4 CCs to Mr.C.Vediappan, Advocate SR.No. 19477

Copy to

The Chairman,
Tamilnadu Legal Services Authority,
High Court, Madras.

CrI.O.P.No.6339 of 2015

RSV (CO)
PSI (15.04.2015)



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