

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2015

CORAM

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

Crl.O.P.No.6611 of 2015

K.Elumalai

...Petitioner

vs.

1. The Superintendent of Police,
O.o Superintendent of Police,
Salem.
2. The Deputy Superintendent of Police,
Anti Land Grabbing Special Cell,
District Crime Branch,
O.o Superintendent of Police,
Salem.
3. The Inspector of Police,
Anti Land Grabbing Special Cell,
District Crime Branch,
O/o Superintendent of Police,
Salem.

...Respondents

Criminal Original Petition filed under Section 482 of the Criminal Procedure Code praying to direct the third respondent to register an FIR on the basis of the petitioner's complaint, dated 10.10.2014.

For Petitioner : Mr.A.Thirumaran

For Respondents : Mr.M.Maharaja
Additional Public Prosecutor

WEB COPY
O R D E R

This Criminal Original Petition is filed, seeking direction upon the third respondent to register an FIR on the petitioner's complaint, dated 10.10.2014.

2. It is submitted by the learned counsel appearing for the petitioner that the property, comprised in S.No.31/3, having an extent 75 cents, was allotted to Govindarajan, under the registered

partition deed, dated 21.12.1983, registered as Document No.483 of 1984. After the death of the said Govindarajan, his wife and daughter executed a release deed, dated 10.03.2003, in respect of their 2/3rd share in favour of Rajaboopathy, the son of Govindarajan, and while executing the said release deed, the releasers have executed the property, which was left as common in the partition deed. Since the petitioner has 1/3rd right/title over the common property, he wants action to be taken.

3. According to me, the petitioner's remedy lies only before the Civil Court by filing suit and no criminal action can be taken based on his complaint, as no criminal offence is made out. Hence, the Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

sd

To

1. The Superintendent of Police,
O.o Superintendent of Police,
Salem.
2. The Deputy Superintendent of Police,
Anti Land Grabbing Special Cell,
District Crime Branch,
O.o Superintendent of Police,
Salem.
3. The Inspector of Police,
Anti Land Grabbing Special Cell,
District Crime Branch,
O/o Superintendent of Police,
Salem.
4. The Public Prosecutor,
High Court, Madras.

one cc to The Public Prosecutor,
High Court, Madras Sr.No.15737

CrI.O.P.No.6611 of 2015

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pmk.16.4.2015