

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.04.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CrI.OP No.7544 of 2015

R.Varadaraj

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Petitioner

Vs

1. The State rep by
The Commissioner of Police,
Commissioner Office,
Vepery, Chennai 07
2. The State rep by
The Inspector of Police,
Central Crime Branch-Team-5,
Commissioner Office,
Vepery, Chennai 600 007
3. The State rep by
The Sub Inspector of Police,
Central Crime Branch-Team 5,
Commissioner Office,
Vepery, Chennai 07

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Respondents

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to direct the respondents to register the FIR based on complaint dated 26.07.2014 and to compare the finger prints of seven persons, who are named as vendors in the sale deed with the original finger prints of those vendors and to investigate with the concerned Indian Bank with regard to the irregularities of cheque and pay order numbers mentioned in the sale deed.

For Petitioner : Mr.G.Appavu

For Respondent : Mr.C.Emalias
Additional Public Prosecutor

ORDER

This petition has been filed seeking for a direction the respondents to register the FIR based on complaint dated 26.07.2014 and to compare the finger prints of seven persons, who are named as vendors in the sale deed with the original finger prints of those vendors and to investigate with the concerned Indian Bank with

regard to the irregularities of cheque and pay order numbers mentioned in the sale deed.

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

3.It is the case of the petitioner that he was a tenant in the property situated at No.5, Padmanaba Pillai Street, Kodambakkam, Chennai-24 and one B.Kalyani, who was a spinster, died on 10.08.2010, without leaving any legal heir. The petitioner has filed a civil suit in CS.No.736 of 2011, claiming that the property should be conveyed to him and the said suit is pending before this Court. While so, one distant legal heir of B.Kalyani, appeared before the Sub Registrar Office, Kodambakkam, and executed a sale deed in Document No.3880/13, dated 25.10.2013 in favour of one K.Vaidyanathan.

4.The learned counsel for the petitioner brought to my notice that the said sale deed was cancelled by the Sub-Registrar, pursuant to a Decree passed by the Civil Court in O.S.No.3055 of 2011. In this regard, the petitioner has also filed a Writ Petition in W.P.No.5394 of 2015, which is pending on the file of this Court. Thus, there is a Civil Suit in CS.No.736 of 2011 and a Writ petition in W.P.No.5394 of 2015, are pending on the file of this Court.

5.In this background, the petitioner wants the police to register a case against the distant legal heir of B.Kalyani and the purchaser of the property viz., Mr.K.Vaidyanathan on the ground that they have no authority to register the Sale Deed. The issue essentially is civil in nature and it would be determined by a Civil Court only. Under these circumstances, no positive direction can be issued and it is open to the petitioner to work out his remedies in the Civil Suit and the Writ Petition, which are pending before this Court.

With the above observations, this Criminal Original Petition is closed.

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Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Commissioner of Police,
Commissioner Office,
Vepery, Chennai 07
2. The Inspector of Police,
Central Crime Branch-Team-5,
Commissioner Office,
Vepery, Chennai 600 007
3. The Sub Inspector of Police,
Central Crime Branch-Team 5,
Commissioner Office,
Vepery, Chennai 07
4. The Public Prosecutor,
High Court, Madras.

1 cc to Mr.G.Appavu ,Advocate, SR.No.19207

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cnr(co)
pmk.27.4.2015



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