

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.04.2015

CORAM:

THE HON'BLE MR.JUSTICE R.S.RAMANATHAN

CrI.O.P.No.8339 of 2015

P.Asirvatham

..Petitioner

Vs.

1. State by
The Commissioner of Police,
Greater Chennai,
New Commissioner Office,
Veppery, Chennai.

2. The Deputy Commissioner of Police,
Central Crime Branch,
New Commissioner Office,
Veppery, Chennai.

3. The Inspector of Police,
Central Crime Branch,
Team-II,
Veppery, Chennai.

.... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to direct the third respondent police/Inspector of Police, CCB, Team-II to register a case in complaint dated 23.07.2014 and investigate to file final report.

For Petitioner : Mr.K.V.Subramanian, Senior Counsel
for M/s.S.Sivakumar

For Respondents: Mr.M.Maharaja
Additional Public Prosecutor

O R D E R

It is submitted by the learned counsel for the petitioner that the petitioner is the owner of the properties and patta was also issued in his name and without his knowledge, one Meshak residing at No.23,Venugopal Street, Mugappair, Chennai-37, settled the properties in favour of his wife and daughters and registered the same as

Doc.No.10359 of 2008 on the file of Sub Registrar, Kundrathur and Doc.No.2521 of 2008 dated 01.12.2008 on the file of Sub Registrar Poonamallee and Doc.No.3541 of 2009 dated 10.09.2009 on the file of Sub Registrar, Konnur and therefore, the complaint was given and no enquiry was conducted and therefore, prayed to register the FIR against the named persons in the petition.

2. The learned Additional Public Prosecutor submitted that earlier petition was filed in Crl.O.P.No.2451 of 2014 raising the same allegations made in the complaint and that petition was ordered on 09.09.2014 and the respondent police conducted an enquiry in respect of very same property and as per enquiry it was found that Meshak is no other person than the son of the petitioner and he claimed that the property was given to him under oral partition by the petitioner and his wife and on that basis, he settled the properties in favour of his wife and children and the petitioner disputed the oral partition between himself and his son Meshak. As there was property dispute between them, recording the same the matter was closed and the parties were directed to approach the civil court for redressal. Therefore, the present complaint was filed.

3. I have gone through the complaint given by the petitioner which was also the subject matter of Crl.O.P.No.2451 of 2014 and in that petition he mentioned six items of property which are the same properties mentioned in the present petition. In respect of earlier complaint dated 23.07.2014, based on the order passed by this Court an enquiry was conducted and it was closed as stated above. The present petition is filed repeating the very same allegations made in the earlier complaint dated 23.07.2014. Hence this criminal original petition is dismissed.

s/d-
Assistant Registrar (V)

True Copy

Sub-Assistant Registrar

To

1. The Commissioner of Police,
Greater Chennai,
New Commissioner Office,
Veppery, Chennai.
2. The Deputy Commissioner of Police,
Central Crime Branch,
New Commissioner Office,
Veppery, Chennai.

3. The Inspector of Police,
Central Crime Branch,
Team-II,
Veppery, Chennai.

4. The Public Prosecutor
High Court, Madras.

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