

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.04.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CrI.OP No.9352 of 2015

G.Sabari Manikandan

.. Petitioner

Vs

1.State rep.by
The Special Sub Inspector of Police,
Sathuvachari Police Station,
Sathuvachari, Vellore-9.

2.The Inspector of Police, (Crime),
Sathuvachari Police Station,
Sathuvachari, Vellore-9.

... Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to direct the 2nd respondent to register the petitioner's complaint dated 09.03.2015, investigate the same and file final report against S.Rathinavelu and Ilamathi Rathinavelu.

For Petitioner :Mr.V.R.Karthikeyan

For Respondents :Mr.C.Emalias,

Additional Public Prosecutor

ORDER

Seeking a direction to the second respondent police to register the petitioner's complaint dated 09.03.2015, investigate the same and file final report against S.Rathinavelu and Ilamathi Rathinavelu, the petitioner has come up with this petition.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent police.

3.According to the complainants, the document relating to their property is with one Rathinavelu and his wife. S.Rathinavelu and his wife admitted during the enquiry before the Registrar that they are in possession of the original document in Document No.1268/1979. While so, the petitioner/complainant along with his sister have filed the present complaint for direction to the respondent police to recover Document No.1268/1979 from the custody of Mr.S.Rathinavelu and his wife Ilamathi Rathinavelu.

4. In the opinion of this Court such a direction

(recovering the Document No.1268/1979) cannot be issued and it is open to the petitioner to approach the Civil Court for mandatory injunction. As regards the allegation of creation of false document as alleged by the petitioner, the second respondent police is directed to conduct enquiry in CSR No.57/2015 and take action in accordance with the law laid down by the Honourable Apex Court in Lalita Kumari vs. Govt. of U.P. & others [2013 (4) Crimes 243 (SC)].

5. This Criminal Original Petition is disposed of with the above direction.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ajr/dn

To

1.The Special Sub Inspector of Police, Sathuvachari Police Station,
Sathuvachari,Vellore-9.

2.The Inspector of Police,(Crime), Sathuvachari Police Station,
Sathuvachari, Vellore-9.

3.The Public Prosecutor, High Court, Madras.

3 cc to Mr. G.Muniratnam,Advocate, SR.No.20740

Cr1.OP No.9352 of 2015

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pmk.17.4.2015

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