



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.10.2015

CORAM

WEB COPY

THE HONOURABLE MRS.JUSTICE S.VIMALA

Crl.O.P.(MD)No.18938 of 2015

S.Shanmugagvel

.. Petitioner

Vs.

Inspector of Police,
Pavoor Chathiram Police Station,
Tirunelveli District.

.. Respondent

Petition filed under Section 482 of Code of Criminal Procedure to direct the respondent to register a case upon the complaint of the petitioner dated 08.08.2015.

For Petitioner : Mr.S.Manickam
For Respondent : Mr.P.Kandasamy
Government Advocate (Crl.Side)

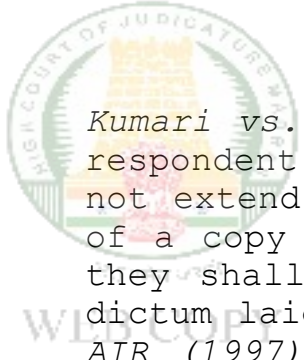
ORDER

This petition has been filed seeking a direction to the respondent to register a case upon the complaint of the petitioner dated 08.08.2015.

2.The sum and substance of the complaint is that the petitioner purchased the immovable property in Survey No.94/6 of Kulasekarapatti village from One Madasamy Konar through a registered sale deed dated 14.10.1998. The petitioner also purchased another property in Survey No.94/6 to an extent of 2 ½ cents from one Irulappa Konar on 14.10.1998. After the purchase, he is in peaceful possession and enjoyment of the same. Thereafter, he came to understand that without any title or possession, one Madasamy and Pechimuthu are claiming title to the said properties of the petitioner and illegally executed a sale deed dated 02.02.2011 to one Sangara Subramanian. Immediately, the petitioner questioned the accused about the illegal transaction, for that the accused intimidated the petitioner with dire consequences. Hence, the petitioner has given the present complaint.

3.According to the learned Government Advocate (Crl.Side), <https://hsevt.cemil.gov.in/govservices> is pending.

4.As per the judgment of the Hon'ble Supreme Court in *Lalita*



Kumari vs. Govt. of U.P. & others [2013 (4) Crimes 243 (SC)], the respondent concerned may conduct a preliminary enquiry which shall not extend beyond a period of seven days from the date of receipt of a copy of this order. In conducting the preliminary enquiry, they shall put the concerned parties upon notice and follow the dictum laid down in *D.K.Basu Vs. State of West Bengal* reported in AIR (1997) SC 610. At the end of the enquiry, if any cognizable offence is made out, the concerned respondent shall register a case. In the event of effecting closure of the case upon conducting a petition enquiry, intimation regarding closure shall be sent to the complainant. It is left open to the petitioner to approach the concerned Judicial Magistrate in accordance with law, if he is aggrieved.

5. The Criminal Original Petition is disposed of accordingly.

Sd/-
Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

To

1. The Inspector of Police,
Pavoor Chathiram Police Station,
Tirunelveli District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO MR.S.MANICKAM, ADVOCATE IN SR NO. 57955

RJ2
TE/GSV-PM/ 15/10/2015 2P/4C

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