



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.10.2015

CORAM

THE HONOURABLE MRS.JUSTICE S.VIMALA

Crl.O.P. (MD) No.18922 of 2015

Ponnudurai

.. Petitioner

Vs.

1.The Superintendent of Police,
Dindigul District
Dindigul.

2.The Inspector of Police,
District Crime Branch,
Dindigul,
Dindigul District.

.. Respondents

Petition filed under Section 482 of Code of Criminal Procedure to direct the 2nd respondent to register the case based on the petitioner's complaint, dated 11.08.2015.

For Petitioner : Mr.P.T.Ramesh Raja

For Respondents : Mr.P.Kandasamy
Government Advocate (Crl.Side)

ORDER

This petition has been filed seeking a direction to the 2nd respondent to register the case based on the petitioner's complaint, dated 11.08.2015.

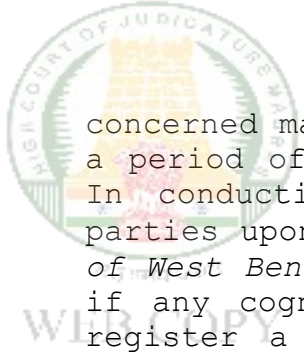
2.The case of the petitioner is that the property in Survey No.935/3 to an extent of 5 acres and 2 cents situated in Mannavanur Village, Kodaikanal belongs to the petitioner's father namely Padmanabhan and his brother Ramanathan. The petitioner's father died on 04.05.2015 leaving the petitioner, his mother, brother and sister as his legal heirs.

2.1.While this being so, the legal heirs of the said Ramanathan namely Mahadevi, Arivalagan, Thamilselvi, Gunaseelan have created and forged certain documents and transferred the patta stood in the name of the petitioner's father into their name. Hence, the petitioner has given the present complaint.

3.According to the learned Government Advocate (Crl.Side), petition enquiry is pending.

<https://hcservices.ecourts.gov.in/hcservices/>

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 ten 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 (Crl.Side)

/TRUE COPY/

Sub Assistant Registrar

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To

1.The Superintendent of Police,
Dindigul District
Dindigul.

2.The Inspector of Police,
District Crime Branch,
Dindigul,
Dindigul District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 cc to MR.P.T.RAMESH RAJA , ADVOCATE, SR NO: 57988

JAM /15.10.2015/AAL-MPA/ 2P-5C

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