



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.10.2015

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THE HONOURABLE MRS.JUSTICE S.VIMALA

Crl.O.P.(MD)No.19008 of 2015

A.Saraswathiammal

.. Petitioner

Vs.

1.The Superintendent of Police,
O/o.The Superintendent of Police,
Tirunelveli District,
Tirunelveli.

2.The Inspector of Police,
Atchan Pudur Police Station,
Tirunelveli District.

.. Respondent

Petition filed under Section 482 of Code of Criminal Procedure to direct the second respondent to register a case against the proposed accused namely A.Ramar, P.S.Nagoor Meeran @ Padavattan, M.Jameelal Beevi, Ahamed Meeral, Syed Ali Fathima on the basis of the complaint given by the petitioner, dated 14.09.2015.

For Petitioner : Mr.S.M.A.Jinnah

For Respondents : Mr.P.Kandasamy

Government Advocate (Crl.Side)

ORDER

This petition has been filed seeking a direction to the second respondent to register a case against the proposed accused namely A.Ramar, P.S.Nagoor Meeran @ Padavattan, M.Jameelal Beevi, Ahamed Meeral, Syed Ali Fathima on the basis of the complaint given by the petitioner, dated 14.09.2015.

2.The sum and substance of the complaint is that the first accused is the son of the petitioner and other accused are friends of the first accused. The petitioner purchased a property in Survey Nos.108/2, 109/2, 56/1, 56/2 and 96/1 to an extent of 1 acre 11 cents at Vadakarai Keezhpidakai village, Tirunelveli District by way of registered sale deed dated 10.04.1997. Hereafter, the petitioner transferred the above said property in the name of the first accused. After getting the property, the



first accused ignored to take care of the petitioner. Hence, the petitioner cancelled the above said settlement deed on 17.05.2005.

2.1. Thereafter, the accused persons are stated to have cheated the mother of the first accused by fabricating false documents.

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

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
O/o. The Superintendent of Police,
Tirunelveli District, Tirunelveli.

2. The Inspector of Police,
Atchan Pudur Police Station,
Tirunelveli District.

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

+1cc to Mr.S.M.A.Jinnah, Advocate Sr.No. 58560

rj2

AA/AMF/27.10.2015/2p-5c

Crl.O.P. (MD) No.19008 of 2015
01.10.2015