

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP No.16584 of 2016

S.Subitha @ S.Shri Subitha ..Petitioner/
Defacto Complainant

Vs

The Sub-Inspector of Police,
EDF-II, Team 9-A,
Central Crime Branch,
Vepery, Chennai-7. .. Respondent

Prayer:- Criminal Original Petition has been filed under Section 482 Cr.P.C., to direct the respondent to register a First Information Report in Complaint No.2938/CCB/Visitors/2016 based on the complaint dated 30.06.2016 and investigate the same.

For Petitioner :Mr.S.Karthikeyan

For Respondent :Mr.C.Emalias
Additional Public Prosecutor

ORDER

This criminal original petition has been filed seeking a direction to the respondent to register an First Information Report in Complaint No.2938/CCB/Visitors/2016 based on the complaint dated 30.06.2016 and investigate the same.

2. For the sake of convenience, the parties will be referred to as their names.

3. S.Subitha @ S.Shri Subitha, petitioner herein is the elder daughter of N.Pichaimani, who was doing real estate business and he was in possession of number of properties. N.Pichaimani died in Fortis Malar hospital, Adyar, Chennai - 20, on 11.10.2015.

4. While so, Subitha learnt that Pichaimani had executed a settlement deed on 09.10.2015 settling all his properties in favour of his son Sakthikumar and that, her mother had signed as a witness in the settlement deed.

5. The learned counsel brought to the notice of this Court that on the complaint dated 30.06.2011 given by Subitha, petition enquiry has been conducted in C.No.2938 of 2016 and

the same has been closed on 21.07.2016 by the Sub Inspector of Police, Central Crime Branch on 04.07.2016 on the ground that the dispute is civil in nature.

6. Subitha brought certain facts to the notice of this Court viz.,

(a) that Pichaimani was admitted in the Malar Hospital on 27.09.2015 and his condition deteriorated on 07.10.2015, on account of which, shifted to the ICU, where, he was put in support system including Ventilator support and that, he died on 11.10.2015 on 11.23 Pm.

(b) While so, the settlement deed document No.103 of 2016 has been registered on 09.10.2015. The Registrar has made an endorsement, as if, the document was presented in the house of Pichaimani, MGR Road, Pallavaram, Chennai - 41, but whereas, he was in the hospital under critical care.

7. In the light of the above, this Court is of the view that the enquiry conducted by the Sub Inspector of Police has been perfunctory. Hence, closure report is set aside and the Deputy Commissioner of Police is directed to nominate a competent officer in the rank of Inspector of police to re-enquire into the complaint and take action in accordance with law.

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

To

1. The Sub-Inspector of Police,
EDF-II, Team 9-A,
Central Crime Branch,
Vepery, Chennai-7.

2. The Deputy Commissioner of Police,
Chennai-7/

3. The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.S.Karthikeyan, advocate,sr.45693.

gj(co)
krd 30/8

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