

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2016

CORAM:

THE HON'BLE MR.JUSTICE R.SUBBIAH

CrI.O.P.No.29127 of 2015

Ms.S.Janani

... Petitioner

Vs.

State by

1.The Superintendent of Police,
Anti-Land Grabbing Cell,
Thiruvallur.

2.The Inspector of Police,
Manavala Nagar Circle,
Manavala Nagar Police Station,
Thiruvallur Taluk & District.

... Respondents

Prayer: Petition filed under Section 482 of the Criminal Procedure Code praying to direct the respondents-Police to register the petitioner's complaint dated 13.08.2015 in accordance with law.

For Petitioner : Ms.R.Aparna

For Respondents : Mr.C.Emalias, APP

ORDER

This petition has been filed seeking to direct the respondents-Police to register the complaint of the petitioner dated 13.08.2015 in accordance with law.

2.In the affidavit filed in support of this petition, it has been stated by the petitioner that while she was a minor, her elder paternal uncle C.Radhakishnan has partitioned the ancestral property amongst himself and two brothers in the year 2007. The youngest brother is the petitioner's father. The said Partition Deed was registered before the Sub-Registrar Office, Perumbakkam vide Registered Doc.No.650 of 2007. The petitioner's father was not mentally strong. In the said partition deed, it was mentioned that the property measuring 13 acres 0.5 ½ cents which is situated at Village No.123, Satharai, Kadambathur Panchayat Union, Thiruvallur District, would be looked after by the guardian Sivabushanam Ammal, W/o.Venkatapathy Naidu, who is none other than the grandmother of the petitioner. As per the said partition deed, when the petitioner attains the majority, the said property shall be

given to her. But, instead of doing so, taking advantage of the situation that the petitioner is a minor, her father is a helpless person and her mother is a worldly not well versed person, the said Sivabushanam Ammal in collusion with her elder son Radhakrishnan entered into a Power of Attorney which was registered as Document No.55 of 2010 in Book No.IV on 18.03.2010. Thereafter, the said Radhakrishnan has sold the property to and in favour of his son Gurupratap on 10.01.2011 and thus, created a sham transaction by encumbering the property and grabbed the land of the petitioner. When the fraud committed by the said persons was questioned by the petitioner, the petitioner was threatened with dire consequences. Hence, the petitioner lodged a complaint before the Chief Minister Cell and thereafter, she lodged a complaint before the respondents-Police on 13.08.2015. Since, no action was taken by the respondents-Police, the petitioner has come forward with the present petition before this Court.

3.When the matter is taken up for consideration, the learned counsel for the petitioner made his submission by reiterating the averments made in the complaint.

4.The learned Additional Public Prosecution submitted that the entire allegations made in the complaint do not make out any cognizable offence. Further, the matter is purely civil in nature and the petitioner has to work out her remedy before the Civil Court. Thus, the learned Additional Public Prosecutor opposed to give any direction to the respondents-Police.

5.Heard the submissions made on either side and perused the materials available on record.

6.From a careful perusal of the entire allegations made in the complaint, I find that the allegations made in the complaint do not make out any cognizable offence. It appears that the matter is purely civil in nature. If at all the petitioner has any grievance against the counter petitioners, she has to work out her remedy only by filing civil Suit before the appropriate forum. Hence, I am of the opinion that there is no merit in the petition and the petition is liable to be dismissed.

In find, the criminal original petition is dismissed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

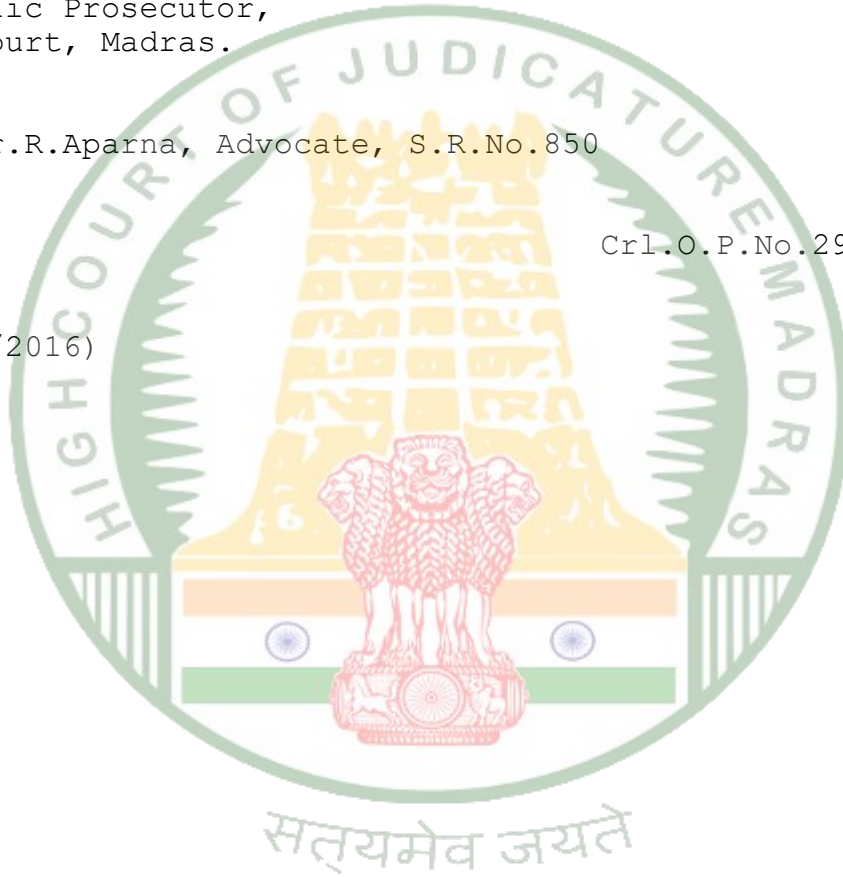
To,

- 1.The Superintendent of Police,
Anti-Land Grabbing Cell,
Thiruvallur.
- 2.The Inspector of Police,
Manavala Nagar Circle,
Manavala Nagar Police Station,
Thiruvallur Taluk & District.
- 3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Aparna, Advocate, S.R.No.850

CrI.O.P.No.29127 of 2015

sld(CO)
srg(18/01/2016)



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