

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2016

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THE HONOURABLE MR. JUSTICE R.SUBBIAH

Crl.O.P.No.29771 of 2015

P.Ramdass Naidu

..Petitioner

Vs

The State rep by.

The Sub Inspector of Police,
Somangalum Police Station,
Sriperumpudur Taluk,
Kancheepuram District.

...Respondent

Criminal Original Petition filed under Section 482
Cr.P.C. seeking a direction to the respondent to register the
complaint filed by the petitioner dated 24.11.2015 and
investigate the matter.

For Petitioner : Mr.S.Ramajayam

For Respondent : Mr.C.Emalias,
Additional Public Prosecutor

O R D E R

The present criminal original petition has been filed
seeking a direction to the respondent to register a case based
on the complaint given by the petitioner on 24.11.2015 and
investigate the same

2.The case of the petitioner is that the Village
Administrative Officer and Thalalari of Puthuper Village
committed fraud on the Government official documents viz.,
chitta, adangal and other revenue records by creating bogus and
forgery documents in the name of fake persons. Based on the said
fake documents, the counter petitioners created encumbrance over
the property and thus, created third party interest and
demanded the commission amount from the village people including
the petitioner. In fact, the name of the petitioner in the
patta was not transferred for long years, while so, the counter
petitioners based on the fake entry made in chitta, adangal and
FMB sketch created the bogus power of attorney in the name of
one Bangaruammal, who is an aged lady and created encumbrance
over the property of the petitioner and thereafter, they
voluntarily came to the petitioner demanding amount to settle

the matter. Hence, the petitioner lodged a complaint on 24.11.2015 before the respondent-police. Since no action was taken so far, the petitioner has filed the present criminal original petition.

3. When the matter is taken up for consideration, the learned Additional Public Prosecutor submitted that based on the complaint of the petitioner dated 24.11.2015, at this juncture the respondent police cannot conduct any investigation. The petitioner has to approach the Tahsildar for his remedy. Only if Tahsildar send a report on the alleged fake entry made by Village Administrative Officer and Thalairi, the police can initiate action.

4. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

5. I find force in the submission made by the learned Additional Public Prosecutor. Considering the nature of the allegation, at this juncture, this court cannot give any direction to the respondent-police as sought for by the petitioner. Hence, this petition is dismissed. However, the petitioner is at liberty to work out his remedy in the manner known to law.

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-s/d-

Assistant Registrar (CS-V)

True Copy

Sub-Assistant Registrar

To

1. The Sub Inspector of Police,
Somangalum Police Station,
Sriperumpudur Taluk,
Kancheepuram District.

2. The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.S.Ramajayam, Advocate SR 1465

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