

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.06.2016

C O R A M

THE HONOURABLE Mr.JUSTICE P.KALAIYARASAN

Crl. O.P.No.2981 of 2015

1.Dr.Sitharthan

2.Dr.Gomathi Sitharthan

.. Petitioners

Vs.

The Inspector of Police,
G-1, Vepery Police Station,
Vepery, Chennai 600 007.

.. Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, praying to direct the respondent to register an FIR, investigate the matter and file a final report on the basis of the complaint dated 12.01.2015 given by the petitioner.

For petitioners : Mr.A.Parveen

For respondent : Mrs.M.F.Shabana
Govt. Advocate (Crl. Side)

O R D E R

This petition has been preferred by the petitioners before this Court after invoking the proviso to Section 482 of Cr.P.C., to direct the respondent to register a case based on the petitioner's complaint dated 12.01.2015 investigate the same and to file a final report.

2. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side) appearing for the respondent.

3.It is averred in the petition that Mrs.Gomathi Sitharthan, wife of the complainant/second petitioner herein, executed a settlement deed dated 12.07.2013 in favour of the first petitioner. When that be the fact, One A.Kannadasan colluded and conspired with Mrs.Kamaleshwari, the fourth daughter of Mrs.Bagyalakshmi, who instigated Bagyalakshmi and forced her to create a civil dispute and subsequently, they got the settlement

deed cancelled. The petitioners filed a writ petition in W.P.No.30582 of 2014 on 24.11.2014 and obtained an order of stay.

4. In spite of the said order, the above parties proceeded to convey the properties by various documents. Therefore, the second petitioner lodged a complaint on 05.12.2014 regarding fraudulent conveyance to Kannadasan, pursuant to cancellation of the settlement deed. Again the second complaint was lodged on 12.01.2015 with respect to further conveyance, in spite of the order in the writ petition. The respondent police has not registered the case and therefore, the present original petition has been filed.

5. The learned Government Advocate (Crl. Side) submits that the first complaint was closed as civil in nature. She would further submit that she has not obtained any instructions with regard to the second complaint.

6. Considering the averments made in the complaint, prima facie cognizable offences are made out. Therefore, this Court directs the respondent police to register the case on the complaint dated 12.01.2015 and to proceed in accordance with law.

7. Ordered accordingly.

-s/d-
Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

kkd

To

1. The Inspector of Police,
G-1, Vepery Police Station,
Vepery, Chennai 600 007.

2. The Public Prosecutor,
High Court, Chennai.

+1 cc to Mr.A.Parveen Advocate sr.36197

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