

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.30267 of 2015

P.Jaklin

... Petitioner

Vs

1.The Deputy Commissioner of Police,  
Law and Order, Salem City.

2.The Inspector of Police,  
Kondalampatti Police Station,  
Salem District.

... Respondents

Criminal Original Petition filed under Section 482  
Cr.P.C. seeking a direction to the respondent herein to register  
the complaint of the petitioner herein dated 03.11.2015 and  
investigate the same in accordance with law.

For Petitioner : Mr.R.Nalliyappan

For Respondents : 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 of the petitioner dated 03.11.2015 and investigate the  
same in accordance with law.

2.The case of the petitioner is that the petitioner's grand  
father viz., Samuvel bequeathed his property through a registered  
Will to all his family members including the petitioner herein. The  
petitioner's grand father bequeathed two buses, along with bus-  
route to the petitioner. Since the petitioner is a minor at the  
time of execution of Will, the grand father of the petitioner  
declared the mother of the petitioner as guardian, till she attains  
majority. On 18.10.2009 the petitioner attained majority. Hence,  
the registration certificate of the buses was changed in the name  
of the petitioner on 24.04.2010 by removing the name of the  
petitioner's mother as guardian to the petitioner. The petitioner  
married one Suresh kumar on 09.02.2013 and the said marriage was

not accepted by the father of the petitioner viz, David Padmanaban. The father of the petitioner engaged some rowdy elements to attack the petitioner's husband and also threatened the petitioner to execute release deed with regard to her properties. But, the petitioner refused to execute the release deed. However, the rowdy elements engaged by the petitioner's father and forcibly took the said bus route permit along with some other documents from the petitioner and gave them to the father of the petitioner. Therefore, the petitioner lodged a complaint before Kodalampatti police station. On enquiry, the father of the petitioner gave an understanding that he would ply the buses under lease with the petitioner and the same was acknowledged by the second respondent as per the lease agreement. The petitioner's father gave a sum of Rs.50,000/- to the petitioner as monthly lease amount and he would hand over the buses at the expiry of the lease period i.e. October 2015. While so, on 01.11.2015, the said bus met with an accident; hence, a criminal case was registered by the 2<sup>nd</sup> respondent and the 2<sup>nd</sup> respondent has taken custody of the said bus. Pursuant to the same, the petitioner herein approached the 2<sup>nd</sup> respondent and requested to hand over the custody of the bus by showing original RC Book, Permit and other documents. While so, the father of the petitioner also produced forged registration certificate and requested to hand over the bus to him. After perusing the documents, the second respondent handed over the bus to the petitioner herein. Hence, the father of the petitioner engaged some rowdy elements and threatened the petitioner. Later, the father of the petitioner unlawfully entered into the house of the petitioner and threatened to hand over the RC Book, Bus permit and other necessary documents. But, the petitioner refused to give the same. The father of the petitioner with the help of rowdy elements attacked the petitioner's husband and threatened with dire consequences. Hence, the petitioner lodged a complaint before the 2<sup>nd</sup> respondent. But, till date no action was taken. Hence, the petitioner filed the present criminal original petition.

3.I have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

4.In view of the submissions made by either side, this Court directs the 2<sup>nd</sup> respondent to conduct enquiry on the basis of the complaint given by the petitioner dated 03.11.2015 and upon enquiry, if materials are gathered indicating commission of any cognizable offence, the 2<sup>nd</sup> respondent is directed to proceed further in accordance with law, as early as possible.

5.This criminal original petition is disposed of accordingly.

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-sd/-

ASSISTANT REGISTRAR

/ TRUE COPY /

Sub-Assistant Registrar

To

1.The Deputy Commissioner of Police,  
Law and Order, Salem City.

2.The Inspector of Police,  
Kondalampatti Police Station,  
Salem District.

3.The Public Prosecutor,  
High Court, Madras.

+1 cc to M/S R.NALLIYAPPAN ADVOCATE SR.NO. 841

SAI[CO]

RD 22/01/2015

Cr1.O.P.No.30267 of 2015

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