

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.09.2016

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.OP.No.18357 of 2016

K.Manohari

... Petitioner

Vs

1.The Superintendent of Police,
Kancheepuram District.

2.The Inspector of Police,
Manimangalam Police Station,
Manimangalam,
Sriperumbudur Taluk,
Kancheepuram District.

... Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to direct the respondent to register the complaint dated 15.07.2016 made by the petitioner herein.

For Petitioner : Mr.T.Sundaravadanam

For Respondents : Mr.C.Emalias, APP

O R D E R

This petition has been filed to direct the respondent to register the petitioner's complaint dated 15.07.2016.

2. Heard the learned counsel for the petitioner; learned Additional Public Prosecutor appearing for the respondents and perused the materials placed on record.

3. It is the case of the petitioner that the opposite party Arumugam approached her for lease of a certain land belonging to her and that, the petitioner had refused to give him the lease. Aggrieved by that, it is alleged by the petitioner that, Arumugam is encroaching into her property.

4. Learned counsel for the petitioner submitted that the alleged lease deed dated 01.03.2016 has not been executed by the petitioner and it is a fabricated deed, in support of

which, the petitioner had obtained an opinion dated 29.06.2016 from a private forensic science expert, on the strength of which, the petitioner wants the Police to register an FIR against the opposite party.

5. Learned Additional Public Prosecutor submitted that this petitioner earlier lodged a complaint dated 15.03.2016, in which, petition enquiry is pending in CSR.No.67 of 2016. Even in that complaint, the petitioner has not stated that her signature has been forged in the said lease agreement. But, whereas, she has stated that she has refused to execute the lease agreement. The petitioner gave another complaint dated 24.06.2016, based on which, petition enquiry is pending in CSR.No.96 of 2016.

6. It is seen that there is a suit pending between the parties, in which, the opposite party had obtained an injunction against the petitioner, on the strength of the lease deed dated 01.03.2016. The petitioner has filed an appeal against the injunction order before the Appellate Court. It is not open to the Police to register an FIR as prayed for by the petitioner at this juncture. May be the petitioner had executed the lease agreement and thereafter, is reneging for the reason known to her, or it may also be that she has not genuinely executed the lease agreement as alleged by her.

7. Under such circumstances, these facts are to be determined in the civil proceedings between the parties. At this juncture, no positive direction can be issued as prayed for by the petitioner. It is open to the petitioner to lodge a police complaint, after any positive finding is given in the civil proceedings with regard to the lease deed.

With the above observation, this petition is closed.

Sd/-

Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

gya

To

1.The Superintendent of Police,
Kancheepuram District.

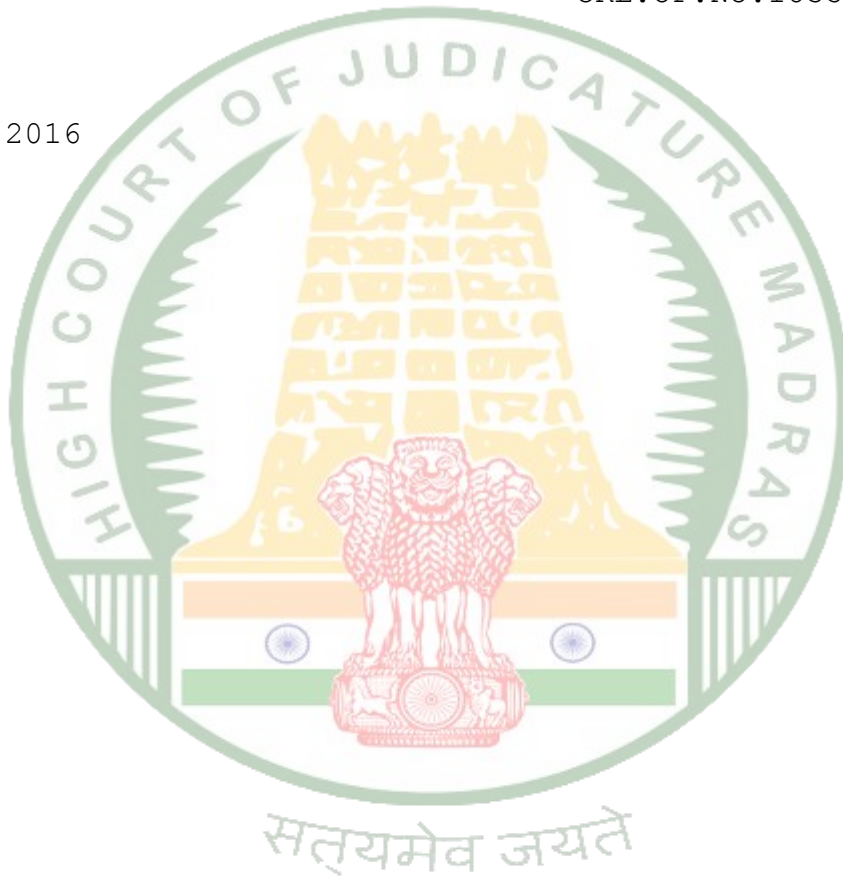
2.The Inspector of Police,
Manimangalam Police Station,
Manimangalam,
Sriperumbudur Taluk,
Kancheepuram District.

3.The Public Prosecutor,
High Court, Madras.

1 cc to Mr.T.Sundaravadanam, Advocate, sr.50365

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pvs co
kra 27.09.2016



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