

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2016

CORAM

THE HONOURABLE MR.JUSTICE P.KALAIYARASAN

Crl.O.P No.6375 of 2015

T.P.Aruputha Jothi

.. Petitioner

Vs.

The Superintendent of Police
(Land Grabbing Special Cell),
Office of the Superintendent of Police,
Thiruvallur,
Thiruvallur District.

.. Respondent

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to direct the respondent to register a case, on the basis of the complaint given by the petitioner on 20.01.2014.

For Petitioner : Mr.S.Udayakumar

For Respondent : Mrs.M.F.Shabana,
Government Advocate (Crl.side)

ORDER

This Criminal Original Petition has been filed under Section 482 of Code of Criminal Procedure, 1973 praying to give necessary direction to the respondent to register a case, on the basis of the complaint given by the petitioner on 20.01.2014.

2. Heard both sides.

3. It is averred in the petition that the petitioner is the sole legal heir for her father, late Dr.Thiruvengadam, S/o. Srinivasan, after the demise of her mother, Smt.Rathinammal @ Kanthammal @ Kuttiammal on 25.02.1966. Her father died on 06.08.1962. The petitioner married, Mr.Parthasarathy on 09.04.1967 and they had been to various places, as he was employed in Indian Army till he was discharged. Taking advantage of her absence, one T.Umai Arulselvan, who has no authority to sell the property, sold the property in the name of her father in S.No.27, measuring 18 acres 92 cents and S.No.29/5, measuring 3 acres 52 cents in Tharanivaragapuram village to various persons in fraudulent manner, by forging her father's signature.

Hence, she preferred complaint on 20.01.2014, but no action was taken by the respondent police. Therefore, the petitioner filed this Criminal Original Petition.

4. Learned Government Advocate submits that the complaint was treated as petition and after due enquiry, the same was closed as the dispute is of purely civil in nature.

5. This Court also perused the case diary. It is seen that Umai Arulselvan executed sale deed, as the son of Dr.Thiruvengadam. But in the case diary, legal heirs certificate is found, wherein only the petitioner is shown as the sole legal heir of Dr.Thiruvengadam. There is mystery as to under what authority Umai Arulselvan sold the properties in parts to various persons. Though the sale deeds were executed long back, that itself cannot be a ground for non-registration of the case, when cognizable offence is made out and the same is not barred by limitation.

6. This Court is of the view that from the allegations made in the complaint, cognizable offences are made out. Therefore, the respondent is directed to peruse the allegations in the complaint and register the case and proceed, as per law.

7. With the above direction, this Criminal Original Petition is allowed.
tsvn

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

To

1. The Superintendent of Police
(Land Grabbing Special Cell),
Office of the Superintendent of Police,
Thiruvallur,
Thiruvallur District.

2. The Public Prosecutor,
High Court of Madras, Chennai.

+1 cc to Mr.S.Udayakumar, Advocate SR 33950

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