

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.1.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

CrI.O.P.No.1869 of 2016

C. Mahalingam

... Petitioner

Vs

1. The Commissioner of Police,
Office of the Commissioner of Police,
Vepery, Chennai 600 007.
2. The Inspector of Police,
Central Crime Branch,
Office of the Commissioner of Police,
Vepery, Chennai 600 007. ... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. seeking a direction to the 2nd respondent, Inspector of Police, Central Crime Branch, Chennai to register the case based on the petitioner's complaint dated 18.1.2016 and to take appropriate action against the accused persons in accordance with law.

For Petitioner : Mr. M. Babu Muthu Meeran

For Respondent : Mr.C. Emalias
Addl. Public Prosecutor.

O R D E R

The present criminal original petition has been filed seeking a direction to the 2nd respondent, Inspector of Police, Central Crime Branch, Chennai to register a case based on the petitioner's complaint dated 18.1.2016 and to take appropriate action against the accused persons in accordance with law.

2. In the petition, it is stated that the petitioner is the owner of the property situate at Plot No.18, Subramaniam Nagar, Tirumullaivoyal in S.No.880/4A2 measuring 2875 sq.ft. . Originally the property measuring larger extent of 6 acres 85 cents comprised in S.No.880 situates at Tirumullaivoil Village, Ambattur Taluk, Tiruvallur District belongs to one Subramani Mudaliar. After the demise of the said Subramani Mudaliar, his legal heirs viz., 1. T.S.Srinivasan 2. T.S.Kanniappan, 3. T.S. Jayavelu executed a partition deed among themselves on

13.1.1988 and they sold a portion of the land measuring 3.79 acres and were in possession of remaining land of 3.04 acres. During the year 1995, they formed a layout measuring to an extent of 3.04 acres and named the layout as Subramaniam Nagar and sold the entire plots.

3. After the death of the said T.Srinivasan, the legal heirs of the deceased viz., his wife Shyamala and three sons namely Suresh, Ramesh and Mahesh appointed one Manohar Jayakumar as their Power of Attorney on 30.7.2003. Within one month, when the legal heirs of said T.S.Srinivasan came to know that the lands were already been lay outed as house sites and all the house sites were sold out during the life time of T.S.Srinivasan and no land is left with T.S.Srinivasan, they immediately cancelled the Power of Attorney given to the Manohar Jayakumar in and by way of registered document No.1710 of 2003 dated 2.9.2003 and the same has been duly informed to Manohar Jayakumar.

4. It is further stated in the petition that knowing fully well that the Power of Attorney given in favour of said Manohar Jayakumar has been cancelled, the said Manohar Jayakumar, in collusion with one S.Srinivasan and Nirmaladevi created a forged and fabricated sale deed and executed the same in favour of S.Srinivasan and Nirmaladevi to an extent of 22.56 cents on 12.1.2004. Thus the said S.Srinivasan, Nirmaladevi and Manohar Jayakumar with the help of the forged and fabricated sale deed, grabbed the petitioner's land. Therefore, the petitioner gave a complaint dated 28.9.2015 before the Commissioner of Police, Office of Commissionerate, Veperi and the same has been forwarded to the Inspector of Police, Thirumullaivoil Police Station. Since the said complaint was closed without conducting proper enquiry, the petitioner preferred another complaint dated 18.1.2016 to the Commissioner of Police alleging offence under sections 467, 468, 471, 420, 120(b) of IPC.

5. Learned counsel for petitioner submitted that though the complaint was lodged on 18.1.2016, till date, the respondent police has not registered any case on his complaint. Hence, the present criminal original petition has been filed.

6. Learned Additional Public Prosecutor submitted that as on date, no complaint is pending before the respondents and if a fresh complaint is given to the Deputy Commissioner of Police, Central Crime Branch, appropriate action would be taken.

7. In view of the said submission made by the learned Addl. Public Prosecutor, this Court is of the opinion that it is appropriate to direct the petitioner to give a fresh complaint to the Deputy Commissioner, Central Crime Branch along with a copy of this order within a period of one week from the

date of receipt of a copy of this order and on such complaint, the Deputy Commissioner, Central Crime Branch is directed to nominate an Investigation Officer to conduct an enquiry on the said complaint. Upon enquiry, if materials are gathered indicating any cognizable offence, he is directed to proceed further in accordance with law as early as possible. If no prima facie case is made out for investigation, he is directed to pass appropriate order on the complaint.

8. This criminal original petition is disposed of accordingly.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1. The Commissioner of Police,
Office of the Commissioner of Police,
Vepery, Chennai 600 007.
 2. The Deputy Commissioner of Police,
Central Crime Branch, Vepery, Chennai-7.
 3. The Inspector of Police,
Central Crime Branch,
Office of the Commissioner of Police,
Vepery, Chennai 600 007.
 4. The Public Prosecutor,
High Court, Madras
- + 1 cc to M/s. M. Babu Muthu Meeran, Advocate sR.6196

Cr1.O.P.No.1869 of 2016

RSK(CO)
Eu 15.02.16

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