

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.1.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.1901 of 2016

S.Mekala

... Petitioner

Vs

1. The Sub-Inspector of Police,
Vazhavanthi Nadu Police Station,
Kolli Hills, Namakkal District.

2. The Superintendent of Police,
Namakkal District,
Namakkal.

3. The Deputy Superintendent of Police,
Vigilance and Anti Corruption,
Namakkal.

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the 1st respondent to register a criminal case by registering a FIR based on the complaint of the petitioner dated 30.12.2015 received by the 1st respondent or alternatively to direct the 3rd respondent to register a criminal case by registering a FIR based on the complaint of the petitioner dated 30.12.2015 received by the 3rd respondent.

For Petitioner : Mr.N.Subramaniyan

For Respondents : Mr.C.Emalias,
Addl.Public Prosecutor.

ORDER

The petitioner has come forward with this Criminal Original Petition seeking for a direction directing the 1st respondent to register a criminal case by registering a FIR based on the complaint of the petitioner dated 30.12.2015 received by the 1st respondent or alternatively to direct the 3rd respondent to register a criminal case by registering a FIR based on the complaint of the petitioner dated 30.12.2015 received by the 3rd respondent.

2. The petitioner's father is the owner of the agricultural lands measuring an extent of 4.52 acres comprised in S.No.287/1 of Vazhavanthi Nadu Village, Namakkal Taluk . After the demise of her father and mother, the petitioner along with her sister, being the legal heirs of her father , inherited the said land and now they are cultivating the lands. While so, one Valanchiya S.Palanisamy along with his men prevented the petitioner and her family members from entering into their lands claiming that he had purchased the lands from one Mr.Sinuppa Devaraj. When the petitioner enquired about the same, she came to know that the said Valanchiya S.Palanisamy, who is an Advocate colluding with the said Sinuppa Devaraj illegally obtained a false patta in favour of Sinuppa Devaraj from the Tahsildar of Kolli Hills on 21.4.2015 and the Village Administrative Officer of Vazhavanthi Nadu Village, on the same day issued a false certificate as if Sinuppa Devaraj is the owner of the subject lands and is in possession and enjoyment of the said lands and based on the patta issued on 21.4.2015 and the false certificate issued by Village Administrative Officer, the said Valanchiya S.Palanisamy and Sinuppa Devaraj have executed a fake sale deed dated 6.5.2015 and registered the same as Doc.No.1308 of 2015 at the office of Sub Registrar, Senthamangalam. Therefore the petitioner made a complaint on 2.12.2015 to the 2nd respondent and again, he made a complaint to the 3rd respondent on 30.12.2015. Though the respondents have received the complaints, till date no action has been taken. Hence, the present criminal original petition has been filed.

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

4. Learned Additional Public Prosecutor submitted that the complaint given by the petitioner, which is pending on the file of 3rd respondent has been forwarded to the 2nd respondent viz., the Superintendent of Police, Namakkal District, Namakkal, before whom, the matter is pending enquiry.

5. Considering the submissions made by Addl. Public Prosecutor , this Court directs the 2nd respondent to nominate an Investigation Officer to enquire in to the complaint given by the petitioner and upon enquiry, if materials are gathered indicating commission of any cognizable offence, he is directed to proceed further in accordance with law, as early as possible.

6. The criminal original petition is disposed of accordingly.

sd/-
Assistant Registrar (CCC)

/TRUE COPY/

Sub-Assistant Registrar

msr

To

1. The Sub-Inspector of Police,
Vazhavanthi Nadu Police Station,
Kolli Hills, Namakkal District.

2. The Superintendent of Police,
Namakkal District,
Namakkal.

3. The Deputy Superintendent of Police,
Vigilance and Anti Corruption,
Namakkal.

4. The Public Prosecutor,
High Court, Madras.

+1 CC to MR.N.Subramaniyan Advocate. SR.NO.5663

+1 CC to Public Prosecutor. SR.NO.5888

Cr1.O.P.No.1901 of 2016

CO-KGK
JD 15/02/2016

सत्यमेव जयते

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