

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.03.2016

CORAM:

THE HONOURABLE MS.JUSTICE R.MALA

Crl.O.P.No.8120 of 2015

Mrs.Sampoorani

... Petitioner/Defecto Complainant

Vs.

1.State rep. by

The Deputy Commissioner of Police,
Central Crime Branch II,
Chennai Police
Vepery, Chennai - 7.

2.State rep. by

The Joint Commissioner of Police,
West Zone, Chennai Police,
Ambattur Estate, Chennai.

3.State rep. by

The Inspector of Police,
Kundrathur Police Station,
Chennai - 600 069.

... Respondents/Complainant

Prayer :

Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, praying to direct the third respondent police to register a case on the petitioner's complaint dated 09.12.2014 in connection with the proceedings of the first respondent in C.No.1239/DC-CCBII/PE/2014 and investigate the same in accordance with law.

For Petitioner : Mr.V.R.Appaswamee

For Respondents: Mr.C.Emalias

Additional Public Prosecutor

ORDER

The petitioner has come forward with this petition seeking to direct the third respondent police to register a case on the petitioner's complaint dated 09.12.2014 in connection with the proceedings of the first respondent in C.No.1239/DC-CCBII/PE/2014 and investigate the same in accordance with law.

2.The learned counsel appearing for the petitioner would submit that the property is originally owned by the petitioner's husband one Palaniswamy and he executed a settlement deed in favour of the petitioner and she is in possession and enjoyment of the same and now, the proposed accused has impersonated somebody as Sampoorani and got sale deed in their favour. Even though the complaint has been made, the respondents are not conducting enquiry and not registering the case. Hence, the petitioner came forward to file this petition.

3.The learned Additional Public Prosecutor would submit that in the complaint given by the Sub-Registrar, Kundrathur it is stated that this petitioner has forged the document and on that basis a case in Crime No.1177 of 2014 for the offence punishable under Sections 419 and 420 of I.P.C. came to be registered and prayed for dismissal of the petition.

4.Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor.

5.On a perusal of the records, it is seen that the petitioner's husband Palaniswamy is a Railway employee and he has executed a settlement deed in favour of the petitioner. The pension papers of the petitioner would show that the petitioner is the wife of the deceased Palaniswamy. The additional typed set of papers would show that the sale deed was executed by one Sampoorani, who is not the petitioner herein, as the photograph differs with the one in the pension papers submitted by the petitioner herein.

6.In such circumstances, I am of the view that it is a fit case for directing the respondent/police to go before the railway department and go through the entire papers of Palaniswamy, compare the photographs in the pension book and the sale deed and conduct enquiry by following the dictum laid down in Lalitha Kumari vs. Govt. of U.P & others [2013 (4) Crimes 243 (SC)] and register a case, if any cognizable offence is made out.

7.This Criminal Original Petition is accordingly disposed of.

Sd/-
Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

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To

1.The Deputy Commissioner of Police,
Central Crime Branch II,
Chennai Police
Vepery, Chennai - 7.

2.The Joint Commissioner of Police,
West Zone, Chennai Police,
Ambattur Estate, Chennai.

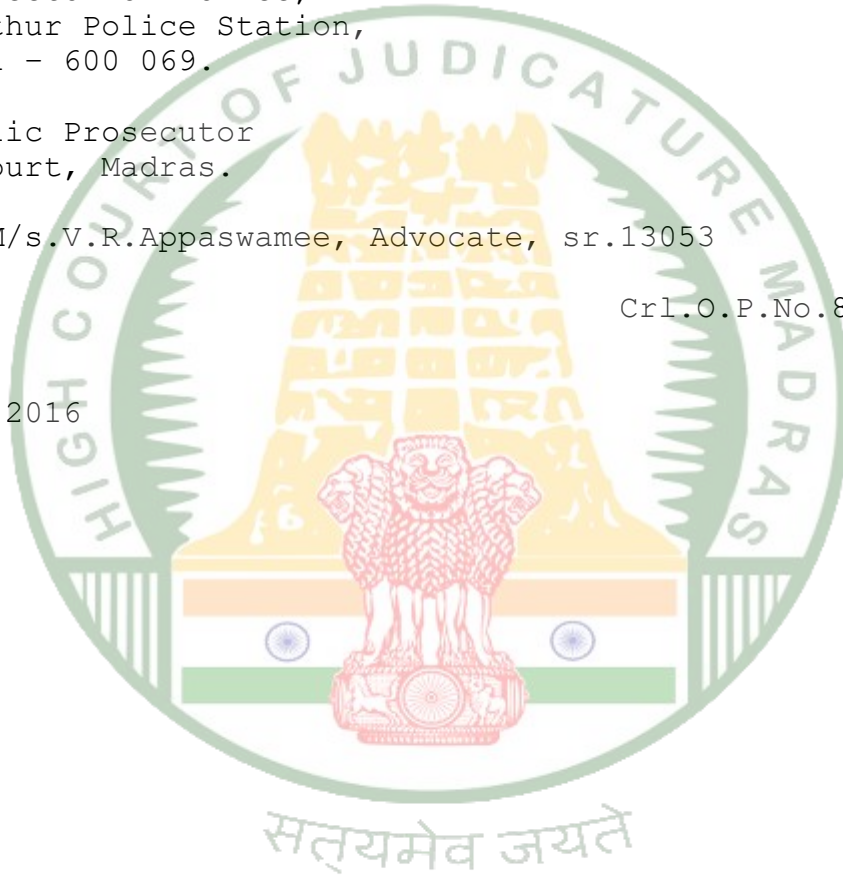
3.The Inspector of Police,
Kundrathur Police Station,
Chennai - 600 069.

4.The Public Prosecutor
High Court, Madras.

+1 cc to M/s.V.R.Appaswamee, Advocate, sr.13053

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kra 14.03.2016



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