

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.284 of 2016

J.Elumalai

... Petitioner

Vs

1. The Superintendent of Police,
Thiruvallur District,
Thiruvallur.

2. The Inspector of Police,
E-3, Minjur Police Station,
Minjur - 601 203.

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. seeking a direction to the second respondent to register the complaint dated 24.07.2015 of the petitioner and investigate the same according to law.

For Petitioner : Mr.N.Srinivasalu

For Respondents : Mr.C.Emalias
Additional Public Prosecutor

सत्यमेव जयते
O R D E R

The present criminal original petition has been filed to direct to the second respondent to register the complaint dated 24.07.2015 of the petitioner and investigate the same according to law.

2. The petitioner and his family members are in possession and enjoyment of the property situated at Nalur Village and Post, Minjur - 601 203, vide Survey No.498/2 for an

extent of 560 Sq.ft. And the said vacant land is left for the public purpose to conduct 16th day ceremony for the past several decades left by the fore fathers of the petitioner. The said vacant land has been utilized by the village people. All of a sudden, on 23.07.2015, a person by name Mohanarangam, tried to take over the possession of the said vacant land as if he has purchased the said Vacant Land in the name of his Minor son namely M.Rohit from V.Kumaravel vide Sale Deed dated 11.06.2015. Hence, the petitioner lodged a complaint before the second respondent on 24.7.2015 and the respondent has also assigned C.S.R.No.272 of 2015. Thereafter, the petitioner came to know that the said Kumaravel, who has left the village 20 years ago, has created a bogus Kisth Receipts from the Nallur Panchyat Union as if he is residing at the above said vacant land and based on the bogus Kisth Receipts, the said Kumaravel obtained Patta from Zonal Deputy Tahsildar, Minjur on 04.10.2012 and grabbed the vacant land which is meant for the public purpose. The said Kumaravel and Mohanarangam colluded with each other and committed cheating and forgery by manipulating the documents. Though the petitioner lodged the complaint on 24.07.2015, no action has been taken on the said complaint till date. Hence, the petitioner has come forward with the present Criminal Original Petition.

3. I have heard the learned counsel appearing for the petitioner as well as the learned Additional Public Prosecutor appearing for the respondent.

4. The learned Additional Public Prosecutor submitted that on receipt of the complaint from the petitioner, the second respondent has assigned C.S.R.272 of 2015 on the said complaint and the said complaint is pending for enquiry. He further submitted that the counter petitioner Kumaravel has also lodged a complaint and the said complaint is also pending for enquiry before the second respondent.

5. In view of the submissions made on either side, this court directs the second respondent to conduct enquiry on the complaint given by the petitioner dated 24.07.2015 in C.S.R.No.272 of 2015 as well as on the complaint given by the counter petitioner Kumaravel and upon enquiry, if materials are gathered indicating commission of any cognizable offence, he is directed to proceed further in accordance with law.

6. This criminal original petition is disposed of accordingly.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

vrc

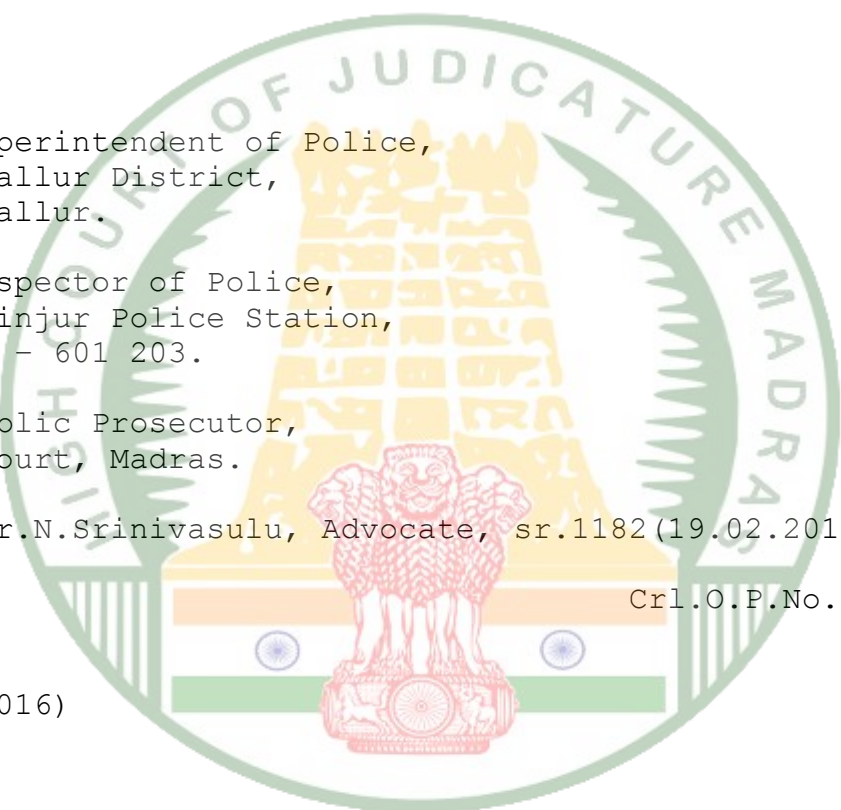
To

1. The Superintendent of Police,
Thiruvallur District,
Thiruvallur.
2. The Inspector of Police,
E-3, Minjur Police Station,
Minjur - 601 203.
3. The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.N.Srinivasulu, Advocate, sr.1182(19.02.2016)

Cr1.O.P.No.284 of 2016

BVR(CO)
CA(27/01/2016)

The seal of the High Court of Madras is a circular emblem. It features a central yellow temple gopuram (tower) with a red lion capital on top. The gopuram is flanked by two green palm trees. The entire emblem is set against a white background with a green border. The words "HIGH COURT OF JUDICATURE MADRAS" are written in a circular path around the emblem. Below the emblem, the Sanskrit motto "सत्यमेव जयते" (Satyameva Jayate) is written in Devanagari script.

WEB COPY