

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Crl.O.P.No.46 of 2016

Vadivel

... Petitioner

Vs

- State Reptd. By
1. The Superintendent of Police,
Office of the S.P.,
Dharmapuri.
 2. The Inspector of Police,
District Crime Branch,
Dharmapuri.
- ... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. seeking a direction to the respondent No.2 to register the petitioner's complaint dated 12.12.2015 and proceed with the investigation in accordance with law and file a final report in a time framed manner.

For Petitioner : Mr.Thanga VadhanaBalakrishnan

For Respondents : Mr.M.Mohamed Riyaz,
Govt. Advocate (Crl. Side)

O R D E R

The present criminal original petition has been filed to direct the second respondent to register the petitioners complaint dated 12.12.2015 and proceed with the investigation in accordance with law and file a final report in a time framed manner.

2. The petitioner and his mother inherited their ancestral property namely an extent of 54 cents of land falling under Survey No.386/2 in Virupatchipuram Village at Dharmapuri. On 15.06.2012, the patta No.290, which was standing in the name of the petitioner's deceased father Mariappan was transferred to the name of the petitioner and his mother Amaravathi. Thereafter, the petitioner along with his mother Amaravathi and sisters Jayapriya and Banupriya executed a registered partition deed on 30.09.2013 vide document No.2594 of 2013 on the file of

the Sub Registrar at Dharmapuri. As per the partition deed, the said 54 cents of land was devolved in the name of the petitioner and the petitioner constructed a house bearing Door No.1/506-R2 in his property and residing in the said property along with his family. After a few months of the Registration of the Partition Deed typographical error was found in the said partition deed and hence a Rectification Deed was executed and registered as document No.3194 of 2015 on 12.11.2015 before the SRO, Dharmapuri. The petitioner, when applied for Encumbrance Certificate, came to know that his property was fraudulently sold over to one Mari, Devaki and Rajathi by one Mr.Chinnathambi, Edumban and Selvam on 03.11.2014 vide registered sale deed bearing document No.2663 of 2014 on the file of the SRO, Dharmapuri. The petitioner immediately approached the Taluk Office and found that the Village Administrative Officer Mr.Selvaraj has conspired with the above persons and executed the act of forgery for his wrongful gain using his authority. Hence the petitioner lodged a complaint before the second respondent. But, no action has been taken on the said complaint, till date. Hence the petitioner has come forward with the present Criminal Original Petition.

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

5. When the matter was taken up for consideration, the learned Government Advocate (Criminal Side) submitted that on receipt of the complaint of the petitioner, the second respondent has assigned C.No.4665 of 2015 on the said complaint and during the course of the enquiry, they came to know that the counter petitioners are also making claim over the very same property and the complaint was closed as the dispute between the parties is civil in nature. He also produced a copy of the closure report before this Court.

6. In view of the submissions made on either side, as the complaint given by the petitioner has already been closed as the dispute is civil in nature, nothing survives in this petition and this Criminal Original Petition is closed with liberty to the petitioner to work out his remedy in the manner known to law.

vrc

s/d-

Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

To

1. The Superintendent of Police,
Office of the S.P.,
Dharmapuri.
2. The Inspector of Police,
District Crime Branch,
Dharmapuri.
3. The Public Prosecutor,
High Court, Madras.

+ 1 cc to M/s.Thanga Vadhana Balakrishnan, Advocate SR 2667

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