

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

CrI.O.P.No.5296 of 2016

R.Sethu @ Sengaliappan

..Petitioner

Vs.

State rep. by
Inspector of Police,
Taluk of Police Station,
Pollachi.

.. Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the respondent to register the complaint against the said proposed named person on the basis of the complaint given by the petitioner to the respondent dated 15.09.2015 and investigate the matter in accordance with law.

For Petitioner : Mr.M.N.Balakrishnan

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

O R D E R

The petitioner has come forward with this petition seeking for a direction to the respondent to register a case pertaining to the petitioner's complaint dated 15.09.2015.

2. The learned counsel for the petitioner submitted that the petitioner has lodged a complaint before the respondent on 15.09.2015. He further submitted that even though, the complaint was received, the respondent police had neither examined the petitioner nor registered a case. Therefore, the petitioner has come forward with this petition for the above stated relief.

3. At this juncture, the learned Additional Public Prosecutor, on instructions, would submit that during enquiry, it was came to know that it is a pathway dispute. He further submitted that both the parties appeared and submitted that they will work out the remedy before the Civil forum and on the basis, the complaint was closed. It was admitted that the closure report has not been furnished to the petitioner.

4. Considered the rival submission made by both sides and perused the typed set of papers.

5. The petitioner as a power of attorney maintained the properties owned by one Senthil Velayudhasamy, who is none other than the friend of the petitioner and neighbour. Since the daughter of the said Senthil Velayudhasamy, namely, Ms. Sankari could not able to look after the property in the village land, she executed a power of attorney in favour of the petitioner dated 27.07.2015, registered as Document No.6046 of 2015 before the Sub Registrar, Pollachi to maintain her property. The said Senthil Velayudhasamy died on 06.02.2015. After his death, the signature of his wife Suganya and his daughter Sankari has been fabricated and the same was filed before the Court. Then only, he came to know that there was an agreement between both the parties. Hence he gave a complaint before the respondent police stating that the sale agreement filed by them is not a genuine one. It was further stated that the age of the said Sankari is 12 years, a minor girl and she is not competent to entered into a sale agreement. Since the suit is pending, I am of the view that the closure report is hereby accepted and the petitioner is directed to approach the Police after disposal of the suit.

In the result, the criminal original petition is dismissed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1. The Inspector of Police,
Taluk of Police Station,
Pollachi.

2. The Public Prosecutor
High Court, Chennai.

Cr1.O.P.No.5296 of 2016

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