

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Cr1.O.P.No.5750 of 2016

S.Murugarselvi

.. Petitioner

Vs.

The State rep. by
The Inspector of Police,
City Crime Branch
Vepery, Chennai-7.

.. Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the respondent to register the petitioner's complaint dated 29.10.2015 and investigate the same in accordance with law.

For Petitioner :Mr.V.Kadhirvelu

For Respondent :Mr.C.Emalias
Additional 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 29.10.2015.

2.The learned counsel for the petitioner submitted that the petitioner has lodged a complaint before the respondent on 29.10.2015 stating that the petitioner's husband, who was the Chairman of M/S.Sri Kanniamman Cotton Textile Private Limited, Avinasi, Coimbatore District, died on 25.06.2004. The Directors of the said firm are none other than the mother-in-law and brother-in-law of the petitioner. He further submitted that they concocted the documents as if the shares of the petitioner's husband have been transferred to them. Even though the petitioner requested them to transfer the shares of her husband in favour of her and her son, they have not come forward to transfer the same. Therefore, the petitioner has filed a petition in C.P.No.61 of 2005 before Company Law Board, Additional Principal Bench, Chennai, to transfer the shares of her husband in her name and her son's name. It is further submitted that during pendency of that petition, the

mother-in-law and brother-in-law of the petitioner conspiring together, have produced a Will as if it was executed by the petitioner's husband, bequeathing his entire properties in favour of his mother namely, E.Rukmani. He further submitted that the Will is forged one and it is concocted for the purpose of the case and that the civil suit has also been pending. Therefore, the petitioner has filed this petition to direct the respondent to register a case against her mother-in-law/Rukmani and brother-in-law/Gowri Maheshkumar. On receipt of petitioner's complaint, even though C.No.2780 of 2015 has been given by the Chennai Central Crime Branch, the respondent has not shown any interest to enquire the matter and register the case. Hence, the petitioner has come forward with this petition for the above stated relief.

3.At this juncture, the learned Additional Public Prosecutor would submit that on receipt of the petitioner's complaint, enquiry has been conducted. During enquiry, they came to know that civil suit and a company petition have been filed, the civil suit is now pending and recording the same, they closed the complaint. He would further submit that whether the Will is genuine or forged to be decided only after disposal of the civil suit. He has also furnished a closure report to the petitioner. Hence, he prayed for dismissal of this petition.

4.Heard both sides.

5.A perusal of the typed set of papers reveals that the petitioner's husband viz., Sathish Kumar was the Chairman of M/S.Sri Kanniamman Cotton Textile Private Limited, Avinasi, Coimbatore District and he died on 25.06.2004 and its Directors are mother-in-law and brother-in-law of the petitioner. When the petitioner sought for transfer of her husband's shares in favour of her and her son, they refused to do so. Hence, she filed C.P.No.61 of 2005 before Company Law Board for the said relief. In that petition, the mother-in-law of the petitioner stated that her son, who is the petitioner's husband, had executed a Will, bequeathing his shares in favour of her. The same has been disbelieved by the Company Law Board by holding that the legal heirs of the deceased Sathish Kumar (i.e.) petitioner and her mother-in-law are entitled to receive the dividend.

6.According to both sides, the mother-in-law of the petitioner had preferred a company appeal challenging the order made in C.P.No.61 of 2005, even though the Company Law Board held that the alleged Will executed by the petitioner's husband is a forged one.

7.Under the above said circumstances, no purpose will be served for registering the case based upon the petitioner's complaint. So the respondent after conducting enquiry, closed the complaint by stating that it is civil in nature. The

learned Additional Public Prosecutor has also furnished a closure report to the petitioner.

8. Recording the submissions made by the learned Additional Public Prosecutor, the Criminal Original Petition is disposed of.

kj

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1. The Inspector of Police,
City Crime Branch
Vepery, Chennai-7.
 2. The Public Prosecutor, High Court, Chennai.
- + 1 cc to Mr.V.Kadhirvelu, Advocate Sr 16836

KR/24/3/16

Cr1.O.P.No.5750 of 2016

सत्यमेव जयते

WEB COPY