

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.595 of 2016

M.P.Lourdusamy

... Petitioner

Vs

1. The District Superintendent of Police,
O/o.Land Grabbing Prohibition Wing,
Vellore,
Vellore District.

2. The Inspector of Police,
Thakkolam Police Station,
Thakkolam,
Vellore District.

.... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondents to register the petitioner's complaint dated 20.11.2015 to investigate the complaint in accordance with law and to file their report.

For Petitioner : Mr.P.D.Selvaraj

For Respondents : Mr.C.Emalias,
Additional Public Prosecutor.

O R D E R

This petition has been filed to direct the respondents to register the petitioner's complaint dated 20.11.2015 to investigate the complaint in accordance with law and to file their report.

2. The petitioner is 95 years old and he is living with his wife, who is 85 years old and they are having two male children and three female children. The petitioner has got 60 cents of land from his ancestral property. Subsequently, out of his hard earned money, he purchased about 9 acres of agricultural land. In 2010, his younger son approached him for E.B. connection for his agricultural land and requested the petitioner to settle 50 cents of land in his name to get E.B. connection, since the petitioner is an illiterate and not able to read and write,

believing his words, he put his thumb impression in the document prepared by his son. In the year 2014, the petitioner decided to settle the property in favour of his sons and daughters. He applied for Encumbrance Certificate and from that he came to know that instead of 50 cents, 4 acres of land were fraudulently transferred in his younger son Balraj's name. Therefore, the petitioner settled the remaining agricultural land measuring 5 acres and 10 cents in favour of his other legal heirs except Balraj. Thereafter, the said Balraj, came to the petitioner house and got the thumb impression of the petitioner fraudulently in the typed documents and blank papers and to cancel the settlement executed in favour of other son and daughters. Hence, the petitioner lodged a complaint with the respondent police. Since no action was taken so far, the present petition has been filed.

3. When the matter is taken up for consideration, learned Additional Public Prosecutor submitted that the matter appears to be civil in nature and the petitioner has to approach the Civil Court. He further submitted that however, on the complaint given by the petitioner, CSR.No.810/2015 was assigned.

4. Since CSR number has been assigned, without going into the merits of the claim made by the petitioner, this Court directs the 2nd respondent police to conduct an enquiry on the complaint dated 20.11.2015 given by the petitioner and upon enquiry, if materials are gathered indicating commission of any cognizable offence, he is directed to proceed further in accordance with law, as early as possible. In the course of enquiry, if no prima facie is made out or the matter is civil in nature, he is directed to pass appropriate orders on the complaint made by the petitioner.

5. This criminal original petition is disposed of accordingly.

vsi

s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

To

1. The District Superintendent of Police,
O/o.Land Grabbing Prohibition Wing,
Vellore,
Vellore District.

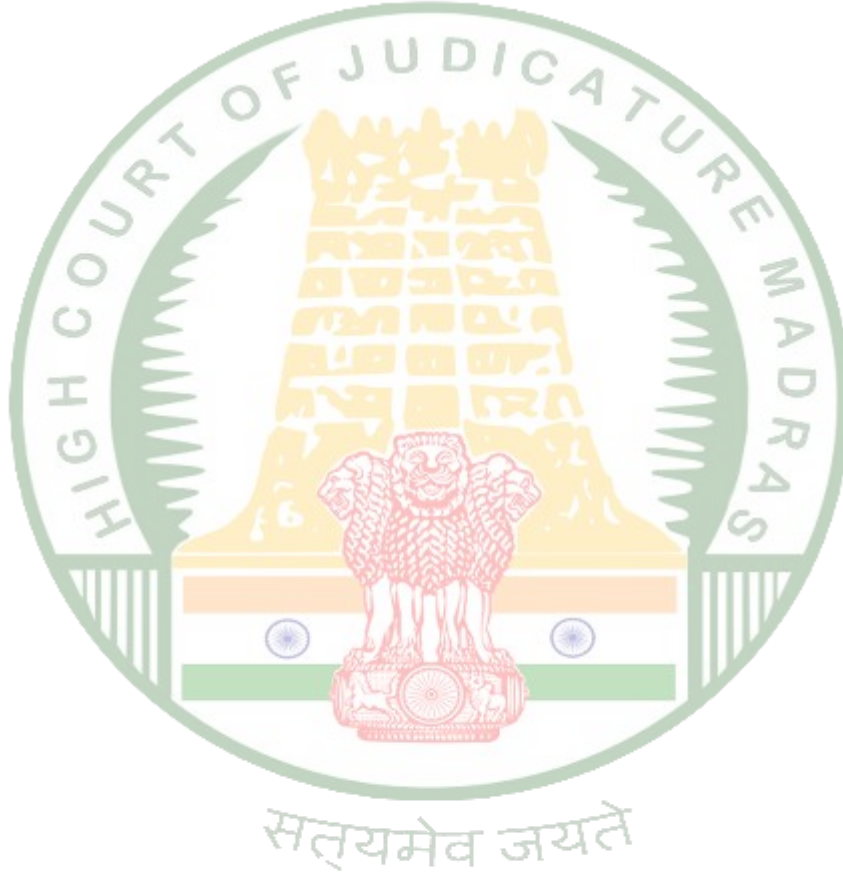
2. The Inspector of Police,
Thakkolam Police Station,
Thakkolam,
Vellore District.

3. The Public Prosecutor,
High Court, Madras.

+ 2 cc to Mr.P.D.Selvaraj, Advocate SR 1954

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