

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

Crl.O.P.No.608 of 2016

W.Jasmine Racheal @ Malliga

.. Petitioner

Vs

1. State rep. by its
Superintendent of Police,
Vellore District.
 2. The Additional Superintendent of Police,
Vellore District.
 3. The Inspector of Police,
District Crime Branch,
Land Grabbing Cell,
Vellore District.
 4. The District Registrar,
Arakkonam,
Vellore District.
- .. Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., praying to direct the third respondent to conduct the enquiry and register the case on the petitioner's complaint dated 14.12.2015 and file a final report against the accused.

For Petitioner :Mr. Nandagopal

For Respondents :Mr.C.Emalias
Additional Public Prosecutor

ORDER

The present criminal original petition has been filed to direct the third respondent to register a case based on the petitioner's complaint dated 14.12.2015.

2. The case of the petitioner is that the petitioner's husband Wilson (since deceased) had owned the property in S.No.383/2 to an extent of 40 cents in S.No.383/2 at Thanigai Porur, Arakonam. The said land was grabbed by one Shanthakumar and his sister Queenmary and they executed general power to one Subramani to an extent of 9395 sq.ft. The said Subramani has registered the land in his name. In this

regard, the petitioner lodged a complaint as against the said Santhakumar, Queenmary, Dhanasekar and Ramesh and FIR was registered on 28.12.2013 in Crime No.76 of 2013 under Sections 294(b), 506(i), 405 r/w. 406, 420 IPC. Subsequently, the said F.I.R in Crime No.76 of 2013 was closed as civil in nature. One Jayaraman, who is alleged to be the father of the petitioner's deceased husband, is trying to grab the property in collusion with the accused Subramani, Dhanasekar and Ramesh. The said Jayaraman is trying to grab the property of the petitioner's husband by creating forged documents. Hence, the petitioner has given a complaint on 14.12.2015. But, till date, no action has been taken on the said complaint. Hence, the present criminal original petition has been filed.

3. I have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

4. The learned Additional Public Prosecutor submitted that the petitioner has given the present complaint with the same set of allegations, which was earlier registered in Crime No.76 of 2013 and the same was closed. Moreover, the petitioner has filed a protest petition for the RCS notice served on her, on the closure of F.I.R.No.16 of 2013. Thus, she opposed to give a direction. The learned counsel for the petitioner denies the same and he sought for direction to register the complaint.

5. Since the petitioner has already filed a protest petition as against the RCS notices served on her on the closure of earlier F.I.R in Crime No.76 of 2013 before the concerned Judicial Magistrate, since the earlier FIR in Crime No.76 of 2013 has already been closed, now, this Court cannot give any further direction and this petition is liable to be dismissed. The petitioner has to work out her remedy only in the protest petition filed by her before the concerned Magistrate Court.

6. Hence, this criminal original petition is dismissed.

Sd/-
Assistant Registrar(V)

//True Copy//

Sub Assistant Registrar

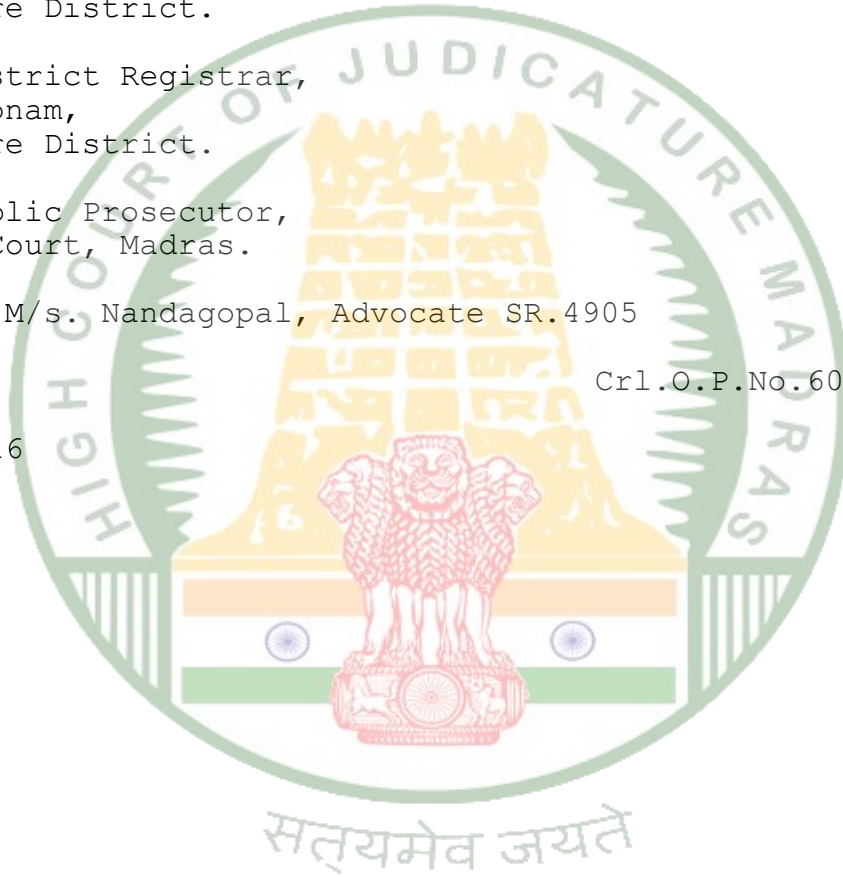
mrp

To:

1. The Superintendent of Police,
Vellore District.
 2. The Additional Superintendent of Police,
Vellore District.
 3. The Inspector of Police,
District Crime Branch,
Land Grabbing Cell,
Vellore District.
 4. The District Registrar,
Arakkonam,
Vellore District.
 5. The Public Prosecutor,
High Court, Madras.
- + 1 cc to M/s. Nandagopal, Advocate SR.4905

Cr1.O.P.No.608 of 2016

MG(CO)
Eu 22.02.16



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