

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.805 of 2016

S.Lourdu Selvarani

... Petitioner

Vs

1. The State rep. by

The Commissioner of Police,
Office of the Commissioner of Police,
Vepery, Chennai.

2. The Deputy Commissioner of Police,

Central Crime Branch (Land Grabbing Cell),
Vepery, Chennai.

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. seeking a direction to the respondents 1 and 2 to appoint an I.O. to register the petitioner's complaint dated 11.11.2015 on the file of the respondents and file final report before the competent court.

For Petitioner : Mr.I.Jesu

For Respondent : Mr.C.Emalias
Additional Public Prosecutor

O R D E R

The present criminal original petition has been filed to direct the respondents 1 and 2 to appoint an I.O. to register the petitioner's complaint dated 11.11.2015 on the file of the respondents and file final report before the competent court.

2. The petitioner's husband purchased a property situated at Selavoyal Village, Thendral Nagar, Plot 20A, 4th Cross Street, comprised in R.S.No.111/2, T.S.No.173 Govt. approved Layout No.41/71 (Revised LPTM No.47/72 DDTP) from Sowriamal on 11.12.1986 in his name. The petitioner's husband died on 06.04.2011. After the purchase of the property in the year 1986, the petitioner and her husband along with petitioner's family were in absolute possession and enjoyment of the said property. While so, when the petitioner applied for Encumbrance Certificate for the purpose of getting mortgage loan, she came to know that the very same Sowriammal had sold the above said property to one N.S.Chandran on 19.06.1998.

Further, the petitioner came to know that the said N.S.Chandran had executed a General Power of Attorney dated 22.10.2011 in favour of one Ravikumar and subsequently, the said Ravikumar had sold the very same property to one Malarvizhi on 07.03.2003. Thereafter, the said Malarvizhi had executed Power of Attorney in favour of one Nagavalli. After the demise of the petitioner's husband, the petitioner became the absolute owner of the said property. The petitioner or her husband have not created any sale agreement or sale deed or mortgage deed or power of attorney in favour of any body. Hence the petitioner had lodged a complaint as against the said Sowriammal, N.S.Chandran, Ravikumar, Malarvizhi and Nagavalli for creating forged and fabricated documents to grab the property of the petitioner. Though the petitioner has lodged the complaint as early as on 11.11.2015, no action has been taken on the said complaint till date. Hence, the petitioner has come forward with the present criminal original petition.

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

4. The learned Additional Public Prosecutor submitted that the enquiry was conducted on the complaint given by the petitioner and as the petitioner has not produced the legal heir certificate, the enquiry was closed. He also produced a copy of the closure report.

5. In view of the submissions made on either side, this Court directs the petitioner to produce the legal heir certificate within a period of two weeks from the date of receipt of a copy of this order, before the second respondent. On the receipt of the same, the second respondent is directed to reopen the complaint and conduct enquiry on the complaint given by the petitioner dated 11.11.2015 and upon enquiry upon enquiry, if materials are gathered indicating commission of any cognizable offence, he is directed to proceed further in accordance with law.

6. This criminal original petition is disposed of accordingly.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

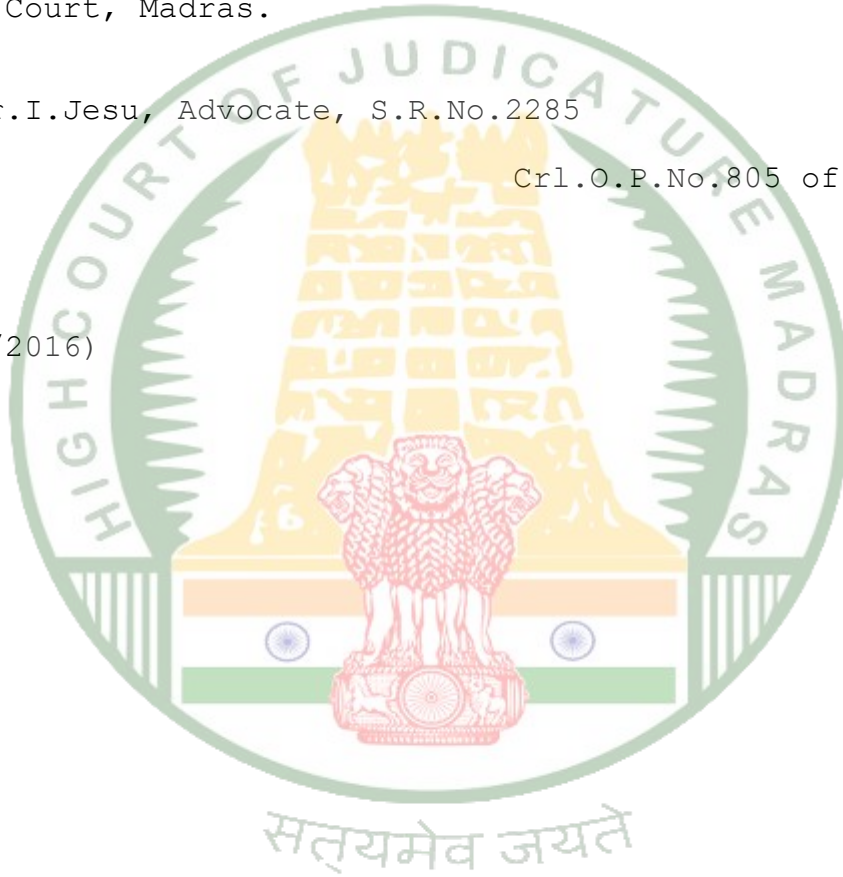
To

1. The Commissioner of Police,
Office of the Commissioner of Police,
Vepery, Chennai.
2. The Deputy Commissioner of Police,
Central Crime Branch (Land Grabbing Cell),
Vepery, Chennai.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.I.Jesu, Advocate, S.R.No.2285

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ad(CO)
srg(02/02/2016)



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