

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 27/1/2017

C O R A M

The Honourable **Mr. Justice P.N.Prakash**

Contempt Petition No.2441 of 2016

Mrs.S.Gunasekari ... Petitioner

Vs

Mr.Mohan  
The Inspector of Police  
Mangadu Police Station  
Mangadu  
Kancheepuram District 600 122 ... Respondent

Prayer: Petition filed under Section 11 of the Contempt of Courts Act to punish the respondent, since the respondent did not obey the Court order passed by this Court in CrI.O.P.No.21928 of 2015, dated 1/9/2015.

For petitioner ... Mr.M.Chidambaram

For respondent ... Mr.V.Jayaprakash Narayanan  
Special Government Pleader

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O R D E R

This Contempt Petition has been filed praying to punish the respondent for the willful disobedience of the order passed by this Court, in CrI.O.P.No.21928 of 2015,

2. It may be necessary to briefly recapitulate the facts of the case:-

The house site in question, viz., Plot No.25, Sri Ranga Nagar, comprised in S.No.28/2, Part Sub-Division Survey No.28/23 of Moulivakkam Village, Sriperumbudur, Kancheepuram District, was purchased by Mrs.S.Gunasekari, petitioner herein, by a sale deed, dated 5/6/2000, registered as Document No.2918 of 2000 in Sub-Registrar Office, Kundrathur, from one P.Rama Rao, S/o. Mr.Polla Rao and since then the petitioner was in peaceful enjoyment of the property. Sometime around June - July 2015, the petitioner found that some people were putting a fence around her property and therefore, she gave a complaint to the respondent Police, based on which a petition enquiry was registered in C.S.R.No.1062 of 2015. Since the respondent Police did not take appropriate action on the petitioner's complaint, she filed CrI.O.P.No.21928 of 2015, for a direction to the respondent Police, to register a regular F.I.R in C.S.R.No.1062 of 2015.

3. This Court, on 1/9/2015, in CrI.O.P.No.21928 of 2015 has passed the following order:-

"This Criminal Original Petition has been filed to direct the first respondent Police to register the petitioner's complaint dated 21/7/2015

reference C.S.R.No.1062 of 2015 and conduct the enquiry.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the first respondent.

3. The learned Additional Public Prosecutor submitted that based on the complaint lodged by the petitioner, the petition enquiry is pending in C.S.R.No.1062 of 2015 before the first respondent.

4. Recording the submission of the learned Additional Public Prosecutor, the first respondent Police is directed to conduct enquiry expeditiously and during the course of enquiry, if any cognisable offence is made out, a regular case shall be registered, following the decision laid down by the Hon'ble Supreme Court in Lalita Kumari Vs. Government of Uttarpradesh and Others reported in (2014) 2 SCC 1.

With the above directions, this Criminal Original Petition is closed."

4. Since the Police did not take any action, the petitioner has filed the present Contempt Petition before this Court. The contempt petition was posted for admission, on 18/11/2016 and this Court, ordered notice to

5. On 16/12/2016, this Court had passed the following order:-

"Today, Mr.Rajeev, Sub-Inspector of Police, Mangadu Police Station is present.

It appears that without proper enquiry, the complaint given by the petitioner has been closed perfunctorily in April 2016.

This Court is not satisfied with the enquiry conducted by the Police.

Post for reporting compliance on 5/1/2017. The Inspector of Police, Mangadu Police Station shall be present before this Court on 5/1/2007 with the case diary."

6. From the above, it is clear that this Court was not satisfied with the manner in which the respondent Police have conducted the enquiry in C.S.R.No.1062 of 2015 when the allegations made in the compliant are very serious.

7. On 5/1/2017, this Court passed the following order:-

"Today, when the matter is taken up for hearing, Mr.Ravikumar, Inspector of Police, T-14, Mangadu Police Station is present.

On instructions, the learned Additional Public Prosecutor submitted that regular FIR in Crime No.2696 of 2016 has been registered on 20/12/2016 under Sections 419 and 420 IPC. When this Court call for the case diary, except the Fir, there is no other document available therein, which shows that the Police have not done any investigation.

The Investigating Officer is directed to file the status report before this Court as regards the further investigation of the case.

Call on 18/1/2017 at the top of the list."

8. On 19/1/2017, this Court had passed the following order:-

'Today, Mr.S.Anbukarasan, Inspector of Police, Crime, T 14 Mangadu Police Station is present. It is seen that the investigation in Crime No.2696 of 2016 has been transferred from the file of the Inspector of Police, Law & Order, T 14 Mangadu Police Station to the file of Mr.Anbukarasan, Inspector of Police (Crime) on the orders of the Superintendent of Police, Ambattur.

2. On instructions, Mr.V.Jayaprakash Narayanan, learned Additional Government Pleader

submitted that five witnesses have been examined by the Police and requisition has been given to the Sub-Registrar for getting the forged document.

Recording the submission, the matter is adjourned to 27/1/2017 for filing status report by the Police."

9. Today, Mr. Anbukarasan, Inspector of Police (Crimes), Mangadu Police Station, is present and filed a detailed status report, in Crime No. 2696/2016. From the status report, it is seen that a gang of land grabbers headed by one Samson Stalin had set up a lady to impersonate Gunasekari and registered a Power of Attorney as Document No. 6253 of 2015, dated 2/4/2015, before the Sub-Registrar Office, Kundrathur. A photo of Gunasekari was compared with the photo of the executant Gunasekari in the Power of Attorney. On a comparison of the photo of Gunasekari with that of the photo of the executant, Gunasekari in the Power of Attorney which is seen that they differ. On the strength of the bogus Power of Attorney, Samson Stalin has sold Gunasekari's land by a sale deed Document No. 13657 of 2015, on 26/8/2015 to one Jayamani. Thus, prima facie it is clear that some lady has been set up as Gunasekari and she has been made to execute a Power of Attorney in favour of Samson Stalin.

10. Learned Special Government Pleader, on instructions submitted that there are similar cases pending against Samson Stalin and the Police are on the look out for him. The Police have formed a special team to apprehend Samson Stalin and others, who are involved in the deal.

11. From the above facts and circumstances of the case, it is *prima facie* evident that the accused have dealt with the property belonging to the petitioner by committing acts of impersonation and forgery. In the opinion of this Court, the petitioner should be protected from dispossession by any one. Therefore, this Court directs the respondent Police to offer protection to the petitioner for fencing her property. It is also brought to the notice of this Court that the petitioner has filed O.S.No.324 of 2015 against Samson Stalin and four others before the District Munsif-cum-Judicial Magistrate, Sriperumbudur, and the suit is still pending. As a counter blast, Jayamani has filed O.S.No.79 of 2016 against the petitioner before the same Court.

12. In view of the above, the learned Judicial Magistrate-cum-District Munsif, Sriperumbudur is directed to deal with both the cases very carefully. Since the investigation in Crime No.2696 of 2016 is progressing in right lines this Court is of the view that it may not be necessary to keep this Contempt Petition pending.

13. Accordingly, this Contempt Petition is closed, with a direction to the Superintendent of Police, Ambattur, to personally monitor the investigation of the case in Crime No.2696 of 2016, and take effective steps to bring the guilty to book.

SD/-  
JOINT REGISTRAR(OS)

mvs.

//Certified to be true copy//

Dated at Madras this the       day of       2016.

COURT OFFICER(O.S.)

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SMI/CO/13/02/2017

To

- 1.The District Munsif-cum-Judicial Magistrate,  
Sriperumbudur.
- 2.The Superintendent of Police, Ambattur.
- 3.The Inspector of Police,  
Mangadu Police Station,  
Mangadu,  
Kancheepuram District 600 122.

One CC to Mr.M.Chidambaram, Advocate, SR.1234/2017