



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.08.2017

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

Crl.O.P.(MD) No.8869 of 2017

Soundari

... Petitioner

-Vs-

The Inspector of Police,
Devakottai Taluk Police Station,
Sivagangai,
Sivagangai District.
(in Crime 237 of 2016).

... Respondent

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to expedite the investigation in Crime No.237 of 2016 on the file of the respondent and file final report within a time fixed by this Court.

For Petitioner : Mr.A.Muralikumar
For Respondent : Mr.K.Anbarasan,
Government Advocate(Crl.side).

ORDER

This Criminal Original Petition has been filed to expedite the investigation in Crime No.237 of 2016 on the file of the respondent and file final report within a time stipulated by this Court.

2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Criminal side) appearing for the respondent.

3.The case of the petitioner is that the petitioner's father-in-law died and his properties were in joint possession and enjoyment of the petitioner's husband, namely, one Sebasthian and his brother, namely, Jesu Michel. It was alleged that the petitioner's husband's brother's son, namely, Sebasthian Soosai Raj, the first accused in the criminal case, committed serious offences like impersonation and forgery, so as to defeat the petitioner's valuable right. It is also submitted that the first accused forged her husband's signature and received whole compensation amount from the third accused.



4. Though the case was registered in the year 2016, there was no progress and no material was collected. In this circumstances, the respondent is directed to expedite the investigation in Crime No.237 of 2016 within a period of six months from the date of receipt of copy of this order.

5. The learned counsel for petitioner states that this Court may direct the revenue officials not to disburse the amount which is lying in the revenue deposit. It is further stated that the land was acquired by the Central Government, under the National Highways Act. The provisions of the National High Ways Act, particularly Section 3H(4), enable the competent authority to refer the disputes as to apportionment of compensation to Civil Court. The petitioner can seek remedy by approaching the competent authority for referring the dispute to Civil Court for appropriate decision, with regard to the title and entitlement to get appropriate compensation awarded by the competent authority. The petitioner cannot seek a direction in this petition to the revenue authorities, who have not been made a party in this petition and the request of the learned counsel for the petitioner is therefore declined, with a liberty to approach the competent authority to refer the dispute to Civil Court.

6. With the above directions, the Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Inspector of Police,
Devakottai Taluk Police Station,
Sivagangai,
Sivagangai District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.A.Muralikumar, Advocate Sr.No.72956

CMR/GSP

VB/KK/SAR2/07/09/2017/2P/4C