

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2018

CORAM

THE HONOURABLE MR.JUSTICE M.S. RAMESH

Crl.OP No.3171 of 2018

B.Yuvarani

..Petitioner

Vs

The Inspector of Police,
Land Grabbing Special Cell,
Thiruvallur.

..Respondent

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C, praying to set aside the order passed by the respondent herein in Ref C.No.287/DSP/ALGSC/TVLR/2016 dated 12.08.2017.

For Petitioner : M/s.C.Rajan

For Respondent : Mrs.Kritika Kamal.P

Government Advocate(Crl. Side)

O R D E R

The prayer sought for in the present petition is to set aside the order passed by the respondent herein in Ref C.No.287/DSP/ALGSC/TVLR/2016 dated 12.08.2017.

2. The grievance of the complainant is that the date of death certificate of one Chinnan is 13.05.1984 and the legal heirship certificate dated 02.03.2000 are fabricated. In this regard, he has made a complaint on 09.11.2016 before the Superintendent of Police, Thiruvallur. When the petitioner had filed a petition seeking for direction to register the petitioner's complaint, the respondent police had made a submission that the petitioner's complaint came to be registered, based on which the petition in Crl.O.P.No.16270 of 2017 came to be closed.

3. The learned counsel for the petitioner submits that, contrary to the earlier submissions of the respondent police before this Court in Crl.O.P.No.16270 of 2017, the complaint has not been registered till date. The said submission is based on an enquiry report dated 12.08.2017, closing the petitioner's complaint and directing the petitioner to approach the civil court seeking redressal.

4. It is now brought to my notice by the learned counsel for the petitioner that by an order dated 26.05.2016 passed by the Zonal Health Officer, (Vital Statistics), Corporation of

Chennai made under the Right to Information Act, the death certificate dated 13.05.1984 was found to be a fabricated document. Likewise, the report dated 16.06.2016 passed by the Information Officer, Deputy Tahsildar (Headquarters Perambur Circle) has also opines that the legal heirship certificate dated 02.03.2000 has not been issued from their office and consequently, it can only be concluded that this certificate is also a fabricated one.

5. In view of this letter dated 26.05.2016, it can prima facie be concluded that the death certificate dated 13.05.1984 is a fabricated document and therefore cognizable offence has been clearly made out.

6. In view of the aforesaid observations, it would be appropriate to direct the respondent police to register the petitioner's complaint. In the result, the Criminal Original Petition stands allowed. The order dated 12.08.2017 passed by the respondent herein is set aside. Consequently, the respondent police are directed to take the petitioner's complaint dated 09.11.2016 on file, register the same and conduct a proper investigation in accordance with law. Such an investigation shall be completed as expeditiously as possible.

Sd/-
Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
Land Grabbing Special Cell,
Thiruvallur.

2. The Public Prosecutor
High Court, Madras.

+ 1 cc to Mr. C. Rajan, Advocate Sr.12411

Cr1.OP No.3171 of 2018

SS(CO)
EU(12/03/2018)