



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.04.2018

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THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

CrI.O.P.(MD) No.5414 of 2018

Mohamedkani

... Petitioner

-Vs-

State through

1.The Superintendent of Police,
Tirunelveli, Tirunelveli District.

2.The Inspector of Police,
Anti Land Grabbing Cell,
Tirunelveli District.

... Respondents

Prayer: Criminal Original petition - filed under Section 482 of Code of Criminal Procedure, to direct the 2nd respondent to register the case on the petitioner's complaint dated 04.03.2018 in accordance with law.

For Petitioner : Mr.C.Susi Kumar

For Respondents : Mr.K.K.Ramakrishna
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the second respondent to register the case based on the petitioner's complaint dated 04.03.2018.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

3.The learned counsel for the petitioner and the proposed accused are brothers. The father of the petitioner purchased a property in his life time, but he did not execute any settlement deed to anyone. The brother of the petitioner has executed a forged settlement deed in favour of third parties in order to grab the entire property. Hence the petitioner lodged a complaint before the first respondent. Since no action has been taken, the present Criminal Original Petition has been filed by the petitioner.

<https://hcservices.courtservice.in/hcservices/>
4. The learned Additional Public Prosecutor appearing for the respondents submits that the civil dispute between the petitioner and the proposed accused in O.S.No.153 of 2018 is now pending



before the Additional District Court, Tirunelveli District and the petitioner is also a party to the above said proceedings. Subsequently the petitioner has lodged a complaint before the first respondent.

5. In view of the above submission, during the pendency of the civil suit before the competent Court, this Court cannot consider the present Criminal Original Petition. It is open to the petitioner to approach the competent court to agitate the issue.

6. With the aforesaid observation, the Criminal Original Petition is dismissed.

Sd/
Assistant Registrar (AS)

/True copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Tirunelveli, Tirunelveli District.

2. The Inspector of Police,
Anti Land Grabbing Cell,
Tirunelveli District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.M.SUBASH BABU, Advocate, SR.No.60631

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09.04.2018

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KK/KKR/04.05.2018/SAR-2/2P-5C