



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

WEB COPY

CRL.O.P.(MD)No.6666 of 2018

S.Nagappan

.. Petitioner

Vs.

1.State rep.by

The Superintendant of Police,
Madurai District, Madurai.

2.The Deputy Superintendant of Police,
Thirumangalam,
Madurai.

3.The Inspector of Police,
Thirumangalam Town Police Station,
Thirumangalam Town,
Madurai.

4.K.Pandi

(R4 impleaded vide order
dated 11.07.2018)

.. Respondents

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code to direct the respondent to register the case on the complaint of the petitioner dated 07.03.2018 on the file of the respondents herein and to investigate and to register a FIR within a stipulated time as fixed by this Court.

For Petitioner : Mr.C.Ezhil Arasu

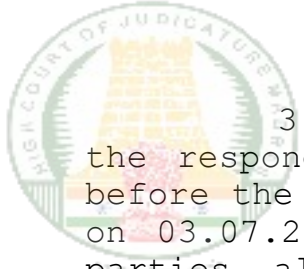
For R1 to R3 : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl.Side)

For R4 : Mr.S.Prabhu

O R D E R

This Criminal Original Petition has been filed seeking direction to the respondent police to register a case on the complaint of the petitioner dated 07.03.2018 and investigate the same within a stipulated time as fixed by this Court.

2.According to the petitioner, the petitioner has preferred a complaint before the second respondent alleging that the willingness letter executed by the petitioner's father viz., S.M.Shanmugam Chettiar has been forged by the proposed accused. No action has been taken till date on the petitioner's complaint. Hence, this petition has been filed before this Court.



3.The learned Government Advocate (Crl.Side) appearing for the respondents 1 to 3 submitted that both parties have appeared before the third respondent for enquiry and the complaint was closed on 03.07.2018 stating that in respect of the dispute between the parties, already a suit is pending in O.S.No.224 of 2016 on the file of the District Munsif Court, Thirumangalam and therefore, the parties were advised to approach the concerned civil forum, seeking appropriate relief.

4.The learned counsel appearing for the fourth respondent/proposed accused would submit that the petitioner has no locus standi to file the present complaint against the fourth respondent. The fourth respondent has already filed a suit in O.S.No.224 of 2016 on the file of the District Munsif Court, Thirumangalam, seeking permanent injunction, in which, the disputed willingness letter dated 11.02.2015 has also been marked. Further, the petitioner's father viz., S.M.Shanmugam Chettiar has also filed a suit in O.S.No.984 of 2017 on the file of the Sub Judge, Thirumangalam against the fourth respondent for recovery of possession of the suit property. Both the suits are pending. At this stage, the petitioner has preferred the complaint on 07.03.2018 against the fourth respondent/proposed accused. Therefore, the second respondent has rightly advised the parties to go before the civil Court, seeking appropriate remedy.

5.On a perusal records it is seen that the willingness letter dated 11.02.2015 is the subject matter of the suit filed in O.S.No.224 of 2016, in which, S.M.Shanmugam Chettiar, who executed the said willingness letter, is a party. Further, the said Shanmugam Chettiar has filed a suit in O.S.No.984 of 2017 for recovery of possession of the suit property. Therefore, admittedly, the petitioner's father viz., S.M.Shanmugam Chettiar has executed the said willingness letter in respect of the suit property, but, subsequently, both the proposed accused and the said S.M.Shanmugam Chettiar have filed suits in O.S.No.224 of 2016 and O.S.No.984 of 2017 respectively in respect of the same property.

6.Considering the facts and circumstances of the case and also considering the fact that already two suits are pending in respect of the property in question, the relief sought by the petitioner cannot be granted. Hence, this petition is liable to be dismissed.

7.In fine, this petition is dismissed. However, liberty is given to the petitioner to work out his remedy before the concerned civil Court, if so advised.

Sd/-
Assistant Registrar(CO)



To

- 1.The Superintendent of Police,
Madurai District, Madurai.
- 2.The Deputy Superintendant of Police,
Thirumangalam,
Madurai.
- 3.The Inspector of Police,
Thirumangalam Town Police Station,
Thirumangalam Town,
Madurai.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/S.S.Prabhu, Advocate SR.No. 72574

CRL.O.P.(MD) No.6666 of 2018
11.07.2018

mj

JM/SV/SAR 4/31.07.2018/3P/6C