



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.06.2018

CORAM:

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

CRL.O.P.(MD)No.10480 of 2018

A.Alagu Muthulakshmi

... Petitioner

-vs-

The Inspector of Police,
Puliyarai Police Station,
Tirunelveli District.

... Respondent

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the respondent to register the case on the petitioner's complaint, dated 05.03.2018 and proceed with the same as per law within the time frame fixed by this Court.

For Petitioner : Mr.T.Lajapathi Roy

For Respondent : Mr.K.K.Ramakrishnan,
Additional Public Prosecutor.

ORDER

This petition has been filed praying this Court to direct the respondent to register the case based on the complaint given by the petitioner, dated 05.03.2018 and proceed with the same as per law.

2.Heard the learned counsel appearing for the petitioner as well as the learned Additional Public Prosecutor appearing for the respondent.

3.The learned counsel appearing for the petitioner would submit that the petitioner's mother Mrs.Seetha Lakshmi was having properties in Survey No.1295/2A measuring an extent of 0.42.5 hectare, Survey No.1295/2B Pathway, in Survey Nos.1295/2C measuring an extent of 0.23.5 Hectare, in Survey Nos.1295/2G3 measuring an extent of 0.09.0 Hectare, in Survey Nos.1295/2A measuring an extent of 0.42.5 Hectare, in Survey Nos.1295/2G1 measuring an extent of 0.10 Hectare situated at Ayan Surandai, Tirunelveli District. The petitioner's father Mr.A.Palanisamy was having property in New Survey No.577/11 measuring an extent of 0.02.0 Hectare, 5 cents situated at Puliyarai, Shenkottai Taluk, Tirunelveli District.

4.He further submitted that originally the above



mentioned properties belong to the petitioner's parents namely Mr.A.Palanisamy and Mrs.Seethalakshmi. Before the demise of Mr.A.Palanisamy, he had executed a settlement deed, dated 17.12.2012 for the above mentioned all properties. He executed the settlement deed including the petitioner's mother's properties. The petitioner's mother Mrs.Seethalakshmi died on 07.02.2010. But the petitioner's father executed the settlement deed only on 17.12.2012 in favour of the petitioner's brother Mr.Arul Perummari, who is the proposed accused. Thereafter, the petitioner came to know the said fact and made a representation, dated 08.05.2015 to take necessary action against the respondent. The said representation was not considered and hence, the petitioner filed CrI.O.P(MD)No.18367 of 2015 before this Court and this Court had directed the respondent to expedite the enquiry and register a case, if any cognizable offence is made out. Thereafter, the respondent police had not conducted any enquiry and hence, a contempt notice has been issued by the petitioner to the respondent. The petitioner has filed another petition in CrI.O.P. (MD)No.5259 of 2018 seeking for a direction to register the case and the same was dismissed as withdrawn. Now, the petitioner has filed the present Criminal Original Petition to register a case against the proposed accused.

5. The learned Additional Public Prosecutor, on instructions, would submit that the petitioner's complaint, dated 05.03.2018 was enquired on 18.03.2018, the petitioner appeared for an enquiry and gave a statement that he is ready to seek appropriate remedy before the Civil Court and hence, the said complaint was closed. Thereafter, the petitioner has filed another complaint for very same cause of action.

6. According to the learned Additional Public Prosecutor the said dispute is purely civil in nature. The petitioner can claim his right by approaching the competent civil Court and to that extent also, the petitioner made a statement before the respondent police to seek appropriate remedy before the competent Civil Court.

7. Considering the above facts, this Criminal Original Petition is dismissed.

Sd/

Assistant Registrar (AS)

/True copy/

Sub Assistant Registrar



To

1.The Inspector of Police,
Puliyarai Police Station,
Tirunelveli District.

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

+1cc to Mr.T.Lajapathi Roy, Advocate, SR.No. 70317

CRL.O.P. (MD) No.10480 of 2018
27.06.2018

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