

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.07.2019

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.18849 of 2019

Hemalatha

Represented by her Power Agent

V.Balachander

...Petitioner

-Vs-

The State represented by
Inspector of Police,
Central Crime Branch-II, Team 26,
Anti Land Grabbing Cell-II,
No.132, EVK Sampath Road,
Vepery, Chennai-600 007.

...Respondent

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to direct the Respondent to register and investigate the complaint of the Petitioner dated 16.04.2019 by summoning the Accused in accordance with law.

For Petitioner : M/s.Ananda Gomathy

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

This petition has been filed to direct the Respondent to register and investigate the complaint of the Petitioner dated 16.04.2019 by summoning the Accused in accordance with law.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent Police.

3. This petition is not maintainable, in view of the order passed by the Hon'ble Division Bench of this Court in Crl.OP(MD) No.13681 of 2018 and a batch of cases, dated 20.09.2018, liberty is given to the petitioner to workout their remedy as per the direction given by the Hon'ble Division Bench.

4. With the above direction, this Criminal Original Petition is petition is disposed of.

Sd/-

17/07/2019

This matter having been posted for being mentioned on 30/07/2019 in the presence of Mr.Ananda Gomathy, Advocate for the Petitioner and of Mr.M.Mohamed Riyaz, Advocate for the Respondent, this Court made the following order :-

This case has been listed before this Court today under the caption "for being mentioned".

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing on behalf of the respondent.

3.After hearing the arguments on either side, the order passed by this Court on 17.07.2019 is re-called and the following order is being passed.

"This petition has been filed seeking for a direction to the respondent police to register and re-investigate the complaint given by the petitioner on 16.04.2019.

2.A reading of the complaint along with all the connected documents would show that the petitioner had executed a power of attorney on 23.04.2019 in favour of one Balachander authorizing him to deal with the property on behalf of the petitioner. This power of attorney is a registered document which contains a photo of the petitioner. However, subsequently a cancellation of settlement deed seems to have been executed on 26.04.2019, by impersonating the petitioner. The photo contained in the said document itself shows that the petitioner has been impersonated.

3.When a complaint was given by the petitioner, the respondent police conducted an enquiry and closed the complaint only on the ground that the possession of the property was handed over to the petitioner and therefore there is a settlement between the parties. What the respondent police had conveniently forgotten was the fact that there was a forged document that was created on 26.04.2019 by impersonating the petitioner. This was never investigated by the respondent police and unfortunately not even an FIR was registered in this case.

4.In view of the above, this court is left with no other option except to quash the closure report dated 04.06.2019. There shall be a direction to the

respondent police to register an FIR based on the complaint given by the petitioner and proceed further with the investigation in accordance with law.

5.This Criminal Original Petition is disposed of with the above directions."

Sd/-
Assistant Registrar(CCC)

/True Copy/

Sub Assistant Registrar

To

1. The Inspector of Police,
Central Crime Branch-II, Team 26,
Anti Land Grabbing Cell-II,
No.132, EVK Sampath Road,
Vepery, Chennai-600 007.

2.The Public Prosecutor,
High Court of Madras.

+1 cc to M/s.Ananda Gomathy,Advocate Sr.No. 64864

AKM/03.09.19/3P-4C /

CrI.O.P.No.18849 of 2019