



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.07.2020

CORAM:

THE HONOURABLE **MR. JUSTICE R. PONGIAPPAN**

Crl.O.P.(MD)No.6955 of 2020

WILDCOPY
S.Raja

...Petitioner

Vs.

1.The Superintendent of Police,
O/o.the Superintendent of Police,
Dindigul District, Dindigul.

2.The Inspector of Police,
Natham Police Station,
Dindigul District.

...Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the respondent No.1 to withdraw the petitioner complaint dated 19.10.2019 and 08.06.2020 pending before the respondent No.2 and entrust the same to any other officer not below the rank of Deputy Superintendent of Police for investigation of the complaint based on the petitioner's representation dated 19.06.2020, within the time period stipulated by this Court.

For Petitioner : Mr.T.Thirumurugan

For Respondents : Mr.S.Chandrasekar

Additional Public Prosecutor

O R D E R

This criminal original petition has been filed seeking a direction to direct the respondent to withdraw the petition dated 19.10.2019 and 08.06.2020 pending before the second respondent and entrust the same to any other officer not below the rank of Deputy Superintendent of Police for investigation.

2.Today, when the petition came up for hearing, the learned counsel appearing for the petitioner made a submission as the petition mentioned property is a joint family property of the petitioner. Recently, one Deepa Alangaram and one Asai Alangaram fabricated the patta in which, their name was mentioned as owner of the property in respect to the survey No.824/15 and in respect to the house in survey No.824/18. He would further submit that in respect to the fabrication of the document, though the petitioner lodged a complaint before the first respondent police on 19.06.2020, no appreciable action has been taken by the Police Authority. Therefore, a direction may be issued to the first respondent to withdraw the petition, dated 19.10.2019 given by the petitioner and entrust the same to any other officer not below the rank of Deputy Superintendent of Police for investigation.

3.The learned Additional Public Prosecutor appearing for the first and second respondents, on instructions, would submit that the complaint given by the petitioner was forwarded by the first respondent to the Deputy Superintendent of Police (Rural) in C.No.S.P./G3/1348/1273/11.06.2020. Thereafter, on receipt of the same, the Deputy Superintendent of Police (Rural) forwarded the same



to the jurisdiction Police Station in C.No.308 of 2020, dated 11.06.2020. Thereafter, the second respondent Police initiated an enquiry on 02.07.2020, in which the said Deepa Alangaram and Asai Alangaram claimed that the property in dispute is as their own. Hence, without any alternative, after giving proper advice, the enquiry was closed on 20.07.2020.

4.Upon considering the arguments advanced by the learned counsel appearing on either side, it is true that for changing patta, the petitioner has to approach the concerned Revenue Authorities. This Court, at this stage, is not in a position to find out whether the patta submitted by Deepa Alangaram and Asai Alangaram is fabricated one or original one. Only the competent civil Court is having authority to declare the said document is genuine one.

5.Hence, in all aspects, the claim made by the petitioner, is devoid of merits and in view of the same, this criminal original petition is dismissed.

6.At this juncture, the learned counsel appearing for the petitioner made a request to furnish a copy of the proceedings enquired by the second respondent. In this regard, the learned Additional Public Prosecutor undertakes to furnish the same, if the party concerned is approached the second respondent.

Sd/-

Assistant Registrar (ADII)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Gns

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Superintendent of Police,
O/o.the Superintendent of Police,
Dindigul District, Dindigul.
- 2.The Inspector of Police,
Natham Police Station,Dindigul District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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