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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 23.09.2021

CORAM:

THE HON'BLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.33969 of 2016
and
WMP No.29314 & 30313 of 2016

A.T.Ganapathy

.. Petitioner

Vs.

1. The Superintendent of Police,
Cuddalore District,
Cuddalore - 607 001.

2. Inspector of Police,
Pennadam Police Station,
Pennadam.

.. Respondents

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the 1st respondent to investigate upon the complaints of the petitioner dated 25.08.2016 and 12.09.2016.

For Petitioner : Mr.C.Prabakaran

For Respondents : Mr.C.Kathiravan
Government Advocate.

O R D E R

The relief sought for in the present writ petition is to direct the 1st respondent to investigate upon the complaints of the petitioner dated 25.08.2016 and 12.09.2016.

2. Perusal of the complaint would reveal that it is a criminal allegation and therefore, the petitioner has to approach the competent Court of law. However, the 2nd



respondent, Inspector of Police, filed a counter affidavit. In the said counter affidavit, it is categorically stated that a complaint was lodged with the police against the petitioner. the said complaint was filed by one Abthayar by claiming that the disputed properties have been handed over to one Somasundaram by his father Vridhachalam Pillai, while he was alive, during the year 2008 and that he has purchased the said property in R.S.No.241/81 at Pennadam from the above said Somasundaram, and in connection with the same on 20.07.2016, when he was in pursuit of taking possession of the said property, the petitioner stalled his attempts by making quarrels with criminal intimidation as to do away with his life. Therefore, the complaint of the said Abthayar was taken up for necessary enquiry in CSR No.97 of 2016 and the present petitioner was summoned on three occasions ie. 27.07.2016, 03.08.2016 and 16.08.2016. But he did not co-operate with the official by his appearance but he has chosen to give a written reply by stating that he did not want to appear before the Police Station at Pennadam nor the police authorities have any rights to inspect any document or record possessed by him and that he would settle the issues through the legal process before the competent Court of law. Hence, it is totally false to contend that the 2nd respondent has not enraged over their issue with the petitioner.

3. In paragraph No.4 of the counter, the 2nd respondent has stated as follows:

"Regarding the averments made in Paragraph No.5 of the affidavit it is also submitted that the present petitioner has preferred some petitions to the higher authorities, on 25.08.2016 and 12.09.2016 regarding the state of affairs met by him in his hotel, with arm twisting tactics of said V.M.S.Abthayar in connection with the disputed property and those petitions treated as 'Current Papers' and it is duly assigned as 1)c.No.H4/025178/1846/2016 dt. 30.08.2016, 2) C.No.H4/723/SPGP/2016 dt. 12.09.2016, were taken up for enquiry and the Petitioner was summoned to appear before the said Police Station on three occasions which was respectively on the dates of 30.09.2016, 01.10.2016 as well as on 03.10.2016. But even after gaining knowledge that his petitions were taken for



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consideration by the police authorities, he willfully and wantonly avoided the scrutiny of the police personnel by barely intimating that he would not attend any sort of enquiry which was not at all necessary, and he also informed that he would meet them in High Court. But the said V.M.S.Abthayar being the opposite party to the entire disputes, has appeared before the enquiry officer, and gave explanation to his allegations with relevant records which would clearly show that the document of sale agreement dated 15.11.2008 was a forged one and falsely created by the present petitioner. The petitioner would have certainly attended the police enquiry which was slated on the above said three dates in person and if those documents were true, real and genuine ones, he would have produced those documents of sale agreement which he had alleged to have entered upon with the late Vridhachalam Pillai on 15.11.2008 in support of all his claims.

During the course of such enquiry, on 07.10.2016, one Kirubakaran, S/o. Govindarasu Padayachi has appeared before the second respondent, and gave a statement in which he revealed that he was well aware of the facts that the document in dispute which is the sale agreement dated 15.11.2008 alleged to have been entered between the petitioner for the sole purpose of cheating his opposite parties. He further added that the said forgery document was prepared and introduced by the petitioner himself on 15.08.2016 in his hotel named as "Abirami Hotel" in Pennadam, as if the said document was executed by the late Vridhachalam Pillai in favour of the petitioner on the date of 15.11.2008 itself. Hence from those details it was clearly disclosed that the entire frame work of the said sale agreement document is the handiwork of the petitioner in order to cheat his opposite parties. On these scores, both the petitions/current papers alleged to have been sent by the petitioner were treated as closed since the subject matter of the document itself is with forgery nature and with the element of cheating practiced by the petitioner himself and necessary conclusion was sent to the higher authorities in this regard."



4. When the facts and circumstances are elaborately narrated in the counter by the 2nd respondent, this Court is of the considered opinion that the writ petition has been filed without any genuine cause. The petitioner has not co-operated with the police authorities for investigation. He himself has said that he will resolve the disputes before the competent civil Court of law.

5. This being the facts established, this Court is of the considered opinion that the writ petitioner is not entitled for the grant of the relief as such sought for in the writ petition and the writ petition stands dismissed. No Costs. Consequently, the connected Writ Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (CS-CCC)

// True Copy //

Sub Assistant Registrar

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To

1. The Superintendent of Police,
Cuddalore District,
Cuddalore - 607 001.

2. Inspector of Police,
Pennadam Police Station,
Pennadam.

Copy to

The Public Prosecutor, High Court, Madras.

+1CC to M/s.C.Prabakaran, Advocate, SR.No. 49525

+1CC to The Government Pleader, SR.No. 49784

WP No.33969 of 2016

PCH(CO)

B.VC (22/10/2021)