



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.15764 of 2021

M.Thirumalaikani

... Petitioner

Versus

1. The Superintendent of Police
O/o.The Superintendent of Police
Erode,
Erode District.

2. The Inspector of Police
Thalavadi Police Station
Thalavadi
Erode District.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the second respondent police to register FIR on the basis of the complaint given by the petitioner to the second respondent police on 23.07.2021 and investigate the matter in accordance with law.

For Petitioner : Mr.S.Kolandasamy

For Respondents : Mr.A.Damodaran
Government Advocate (Crl.Side)

ORDER

This petition has been filed to direct the second respondent police to register FIR on the basis of the complaint given by the petitioner to the second respondent police on 23.07.2021 and investigate the matter in accordance with law.

2. The grievance of the petitioner is that she lodged a complaint on 23.07.2021 against one Kesavamurthy, who is none other than her husband's brother, but no action has been taken so far. Hence, the petition.

3. The gist of the case is that the petitioner had her husband, namely, Meignanamurthy had given Rs.6 Lakhs to her



husband's brother and he assured to repay a sum of Rs.9,000/- per month. As the said Kesavamurthy did not pay the interest, the petitioner asked him to return the principal with interest. Thereafter, Kesavamurthy made her husband drunk and taking advantage of his inebriated condition, transferred the her husband's share of property in his name through a sale deed.

4. The learned Government Advocate (Crl.Side) has submitted that the petitioner's husband Meignanamurthy as well as Arangasamy and Kesavamurthy were called for enquiry and during enquiry, the said Meignanamurthy husband of the petitioner and others admitted that the sale deed was executed voluntarily and the said Meignanamurthy was not in drunken state and he was conscious. Now, the petitioner making this allegation only to get back the property.

5. This Court finds that the petitioner's husband itself admitted that he had executed the sale deed voluntarily and now the petitioner claiming back the property stating that her husband executed the sale deed in an inebriated condition, cannot be accepted. However, if the petitioner has any grievance, she is at liberty to approach the Civil Court to set aside the sale deed.

6. With the above directions, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

dna

To

1. The Superintendent of Police
Erode, Erode District.
2. The Inspector of Police
Thalavadi Police Station
Thalavadi, Erode District.
3. The Public Prosecutor
High Court, Madras.

CRL.O.P.No.15764 of 2021

NR (CO)
PR (24/09/2021)