



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **19.07.2021**

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGOVAN**

Crl.O.P. (MD)No.9600 of 2021

Periyasamy

... Petitioner/Defacto Complainant

Vs.

1.The Additional Superintendent of Police,
District Crime Branch,
Sivagangai District.

2.The Superintendent of Police,
Sivagangai,
Sivagangai District.

... Respondents/Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to set aside the endorsement of returned order dated 05.03.2021 in Cr.M.P.No.unnumbered of 2021 on the file of the learned Judicial Magistrate Court, Karaikudi and issue a direction directing the learned Judicial Magistrate Court, Karaikudi, Sivagangai District to number the unnumbered Cr.M.P.No. Of 2021 to take the petition on file by the petitioner within the time stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.R.M.Anbunithi

Additional Public Prosecutor

O R D E R

This petition has been filed seeking to set aside the endorsement of returned order dated 05.03.2021 in Cr.M.P.No.unnumbered of 2021 on the file of the learned Judicial Magistrate Court, Karaikudi, and issue a direction directing the learned Judicial Magistrate Court, Karaikudi, Sivagangai District to number the unnumbered Cr.M.P.No. of 2021 to take the petition on file by the petitioner within the time stipulated by this Court.

2. The grievance of the petitioner is that the petitioner's wife owns the property situated in S.No.34/9 at Velankudi Village, Karaikudi Taluk, Sivagangai District to the extent of 0.08.00 hectares. The petitioner approached one Mr.Rasu, who was practising Advocate, for the purpose of getting patta and patta was also granted but the name of the petitioner's wife is wrongly stated in the patta. The said Rasu has taken proper steps to rectify the mistake. Later he advised the petitioner's wife to sell the property for Rs.50 lakhs. That was accepted. Later dispute arose between them because of the sale agreement. Taking advantage of the illiteracy of the petitioner's wife, the said Rasu has created fraudulent power of attorney document. So, a legal notice has also been issued on 09.01.2014 to the aforesaid Rasu. Simultaneously, a complaint was given to the Deputy Registrar, Karaikudi for cancelling the power



deed. Later on 20.01.2021 the said Rasu has executed a sale deed in favour of his wife namely Kalimuthu. The petitioner's wife has taken several steps to recover the property from the said Rasu's wife. All the efforts ended in vain. On 19.08.2019, the petitioner's wife expired. On 07.03.2021, the petitioner preferred a complaint before the Inspector General of Registration, Santhome, Chennai and the Deputy Inspector General of Registration Madurai and the District Registrar, Karaikudi, Sivagangai District.

3. Thereafter, the petitioner lodged a complaint before the Judicial Magistrate, Karaikudi under Section 156(3) Cr.P.C for a direction. That came to be returned with an endorsement to the effect that the petitioner has not complied with Section 154 Cr.P.C. As per Section 154 Cr.P.C, the petitioner shall prefer a complaint before the concerned police. Challenging the docket order of return dated 05.03.2021, the present petition has been filed mainly on the ground that the return order is not correct since on 02.02.2021 the petitioner has made a complaint to the concerned police namely, the second respondent through post for which he has also enclosed the copy of the receipts.

4. Considering the fact that the petitioner has already complied Section 154 Cr.P.C and he has already lodged a complaint before the second respondent police on 02.02.2021, this Court is inclined to set aside the docket order of return dated 05.03.2021. Accordingly, the same is set aside. There shall be a direction to the petitioner to re-present the complaint before the concerned court within a period of 15 days from the date of receipt of a copy of this order by making proper explanation as to the return stating that already complaint has been given on 02.02.2021 through post. On such re-presentation along with proper explanation, the learned Judicial Magistrate, Karaikudi, Sivagangai District shall process the same as per law.

5. The Registry is directed to return the original petition to the learned counsel for the petitioner after getting proper acknowledgement by replacing the same by a xerox copy.

6. In the result, this petition is allowed to the extent indicated above.

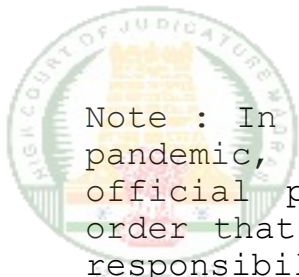
Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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.

WEB COPY

To

1. The Judicial Magistrate Court, Karaikudi, Sivagangai District.
2. The Additional Superintendent of Police,
District Crime Branch,
Sivagangai District.
3. The Superintendent of Police,
Sivagangai,
Sivagangai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to:

The Section Officer,
E.R section,
Madurai Bench of Madras High Court,
Madurai (To Return Original impugned Petition)

+1 CC to M/s.T. LAJAPATHI ROY, Advocate (SR-23415[F] dated
22/07/2021)

Crl.O.P. (MD)No.9600 of 2021

19.07.2021

RKN (28.07.2021) 3P 7C