

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2022

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.617 OF 2022

P.Nanjundasamy

... Petitioner

Versus

1. The Superintendent of Police,
Office of the Superintendent of Police,
Coimbatore.
2. The Deputy Superintendent of Police,
District Crime Branch,
Coimbatore.
3. The Inspector of Police,
District Crime Branch,
Coimbatore,
Coimbatore District.

... Respondents

PRAYER:-

Criminal Original Petition is filed under Section 482 Cr.P.C., to direct the third respondent police viz., the Inspector of Police, District Crime Branch, Coimbatore to register a case based on the complaint given by him to the first respondent on 14.09.2020.

For Petitioner : Mr.S.Prabakaran
Senior Counsel
For Mr.M.Venkatesh

For Respondents : Mr.R.Vinothraja
Government Advocate
[Crl. Side]

O R D E R

This Criminal Original Petition is filed to direct the third respondent police viz., the Inspector of Police, District Crime Branch, Coimbatore to register a case based on the complaint given by him to the first respondent on 14.09.2020.

2. The grievance of the petitioner is that the petitioner had lodged a complaint on 14.09.2020 against one Rajasekar, Srinivasan and Karthikeyan. His specific allegation is that one Srinivasan sold a property to his own son-in-law and created a document No.2486/18 on 12.04.2018, by using the Power of Attorney executed by the petitioner earlier. Further Life certificate of the family members have been forged and by using the forged certificate, registered a false and forged documents in respect of the property which was already sold out to the purchaser society. The respondent police failed to conduct a fair enquiry and stated that they have to approach the Civil Court, though cognizable offence is made out. The duty of the respondent police has to register a case and conduct investigation.

3. He further submitted that by using the said Power of Attorney Document No..3798 of 2013 dated 19.08.2013, the counter complainant had also entered into an agreement with Royal Land and Nest Co-operative Housing Society Ltd. The said Royal Land and Nest Co-operative Housing Society Ltd. and the officials of the Registration Department in connivance with the said Srinivasan had committed the above offence.

4. The learned Additional Public Prosecutor/Government Advocate submits that enquiry was conducted on 28.12.2021 and thereafter enquiry was closed finding that it is a civil dispute and the respondent police advised the petitioner to approach the Civil Court. He fairly submits that the closure report has not been served to the petitioner.

5. The learned Senior Counsel appearing for the petitioner submits that the petitioner was never called for any enquiry. The petitioner came to know that the counter complainant was called for enquiry. He did not know how the respondent police had come to such a conclusion without conducting proper enquiry. He further submits that the District Registrar, Coimbatore in Na.Ka.No.4984/M1/2021, passed an order on 24.12.2021, confirming the forgery and cheating committed by the counter complainant and the said order is in the favour of the petitioner. Despite the same, the respondent police have not taken any action.

6. Considering the submissions and on perusal of the materials, this Court finds that no closure report has been sent to the petitioner and also the specific allegation of the petitioner is that the petitioner was not called for enquiry. *** In view of the same, the respondent police is directed to take into account the order of the District Registrar, Coimbatore in Na.Ka.No.4984/M1/2021 dated 24.12.2021, confirming the forgery and cheating committed by the counter complainant. The respondent police to conduct enquiry afresh and to take appropriate action.**

7. With the above directions, this Criminal Original Petition stands disposed of.

Sd/-
Assistant Registrar
31/01/2022

*** Corrected as per order of this
Court dated 04/02/2022 in
Crl.O.P.No.617 of 2022
Sd/-
Deputy Registrar (CS)
15/02/2022**

//True Copy//

Sub Assistant Registrar

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To

1. The Superintendent of Police,
Office of the Superintendent of Police,
Coimbatore.
2. The Deputy Superintendent of Police,
District Crime Branch,
Coimbatore.
3. The Inspector of Police,
District Crime Branch,
Coimbatore,
Coimbatore District.
4. The Public Prosecutor,
High Court, Madras.

*** To be
Substituted for the
Order already
despatched on
03/02/2022**

Copy To:-

**The District Registrar,
Coimbatore.**

+1cc to Mr.M.Venkatesh, Advocate, ***S.R.No.2681**

CRL.O.P.NO.617 OF 2022

CP(CO)
A.SK(03.02.2022)
SRA(CO)
PBS/15/02/2022