



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2022

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.2643 of 2022

H.Saravanan

... Petitioner

Versus

1. The Commissioner of Police,
Greater Chennai,
Vepery, Chennai - 600 007.

2. The Deputy Commissioner of Police,
Central Crime Branch,
Office of the Commissioner of Police,
Greater Chennai,
Vepery, Chennai - 600 007.

3. The Inspector of Police,
Vadapalani Police Station,
Vadapalani, Chennai - 600 026.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to issue appropriate direction to the respondents to register a First Information Report on the basis of the complaint dated 10.12.2021 given by the petitioners and to proceed further in accordance with law.

For Petitioner : Mr.M.Elumalai

For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

This petition has been filed to issue appropriate direction to the respondents to register First Information Report on the basis of the complaint dated 10.12.2021 given by the petitioner and to proceed further in accordance with law.

2. The grievance of the petitioner is that he is the son of Late Hari and Leela Bai. The petitioner's father died on 04.08.1979 and his mother died on 07.05.2020. The petitioner has



got a brother namely Dillibabu and a step-sister namely Ilayarani. The petitioner's mother purchased a residential land at Plot No.240, patta Survey No.28/7, measuring 1500 sq.ft. land in Vishnupriya Avenue, Kayarmbedu Village, near Guduvancherry, Chengalpattu Taluk. The petitioner's mother was living with her step-sister Ilayarani in Vadapalani and taking advantage of the situation, she obtained a legal heir certificate bearing No.720191228605 dated 18.12.2020 as she is the only legal heir, suppressing the fact that the petitioner and his brother Dillibabu are also her legal heirs. Using the forged legal heir certificate, she had given a Power of Attorney in favour of one Manikanda Babu to deal with the said property. Now, the petitioner apprehends that using the forged certificate and the Power of Attorney, she is trying to sell the family property without giving any share to them. In this regard, the petitioner made a complaint to the respondent Police, but they have not taken any steps.

3. The learned Additional Public Prosecutor submits that on the complaint of the petitioner, CSR.No.463 of 2020 was assigned on 02.09.2020. Thereafter, the petitioner and the counter complainant/petitioner's step-sister were called for enquiry and they appeared on 11.09.2020 and gave an undertaking to settle the issue amicably before the Civil Court. Hence, the said complaint was closed.

4. At this stage, learned counsel for the petitioner made objection stating that the case was closed by force. Since the Government records have been forged, the case cannot be simply closed mechanically by the Police as it is a civil dispute. Further, the Police have not served the closure report to the petitioner. He further submitted that the petitioner's complaint to the Commissioner of Police on 10.12.2021 is still pending and no action has been taken.

5. On a perusal of the legal heir certificate of Leela Bai, it is seen that it is a fabricated one and the particulars with regard to the pre-deceased father was not recorded in the legal heir certificate, which is not the correct procedure.

6. In view of the same, the Inspector of Police, Vadapalani, shall hand over the file of CSR.No.463 of 2020 to the Assistant Commissioner of Police, Vadapalani, who shall conduct enquiry on the forged Government records and appropriate steps to be taken to find out the involvement of any Government Officials and what steps were taken by the Revenue Inspector and



the Thasildar, before issuing the legal heir certificate. The respondent shall complete the enquiry within a period of four weeks from the date of receipt of a copy of this order or normal functioning of the Court. Thereafter, depending upon the outcome of the enquiry, further action to be taken.

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

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

dna

To

1. The Commissioner of Police,
Greater Chennai,
Vepery, Chennai - 600 007.
2. The Deputy Commissioner of Police,
Central Crime Branch,
Office of the Commissioner of Police,
Greater Chennai,
Vepery, Chennai - 600 007.
3. The Assistant Commissioner of Police,
Vadapalani.
4. The Inspector of Police,
Vadapalani Police Station,
Vadapalani, Chennai - 600 026.
5. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.M.Elumalai, Advocate, S.R.No.6780

CRL.O.P.No.2643 of 2022

SPD[co]
NSK 15/02/2022