



W.P.No.26439 of 2022

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

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**DATED: 10.10.2022**

**CORAM**

**THE HONOURABLE MR. JUSTICE V.SIVAGNANAM**

**W.P.No.26439 of 2022**

Shanmugam

... Petitioner

Vs.

1. The District Collector,  
Collectorate, GST Road,  
Chengalpattu District - 603 001.

2. The Tahsildar,  
Madurantakam,  
Chengalpattu District - 603 306.

3. The Superintendent of Police,  
Near Vidhyasagar College,  
Chengalpattu District - 603 002.

4. The Inspector of Police,  
G-1, Maduranthakam Police Station,  
Chengalpattu District - 603 306.

5. Manokaran

6. Kannikaparameswari

... Respondents



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**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the fourth respondent herein to register a first information report against the fifth and sixth respondents, in the light of the communication dated Nil.09.2016 and of the second respondent as well as the Reference C.No.K2/1011/15853/2019, C.No.1156/A/SDO/MKM/2019, C.No.63/INS/GIPS/MKM/2019 of the fourth respondent.

For Petitioner : Mr.M.Elumalai

For Respondents 1 to 4 : Mr.S.Santhosh  
Government Advocate(Crl.side)

### **ORDER**

This Writ Petition has been filed to direct the fourth respondent herein to register a first information report against the fifth and sixth respondents, in the light of the communication dated Nil.09.2016 and the second respondent as well as the Reference C.No.K2/1011/15853/2019, C.No.1156/A/SDO/MKM/2019, C.No.63/INS/GIPS/MKM/2019 of the fourth respondent.

2. It is the contention of the the learned counsel for the petitioner he is owner of the vacant land comprised in Old Survey No.77/3, New Survey No.349/9 measuring to an extent of 5 cents situated in Kizhvalam Village, Madurantakam



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Panchayat Union, Madurantakam Taluk, Kancheepuram District( now Chengalpattu District). While being so, in respect of the said land, a bogus settlement deed dated 31.12.2014 was executed by the 6<sup>th</sup> respondent in favour of her husband/5<sup>th</sup> respondent herein which was registered as document No.141 of 2015 on the file of Sub-Registrar, Madurantakam. Hence, the petitioner had filed a complaint dated 04.01.2017 before the Superintendent of Police and the same was forwarded to the 4<sup>th</sup> respondent herein. While conducting enquiry, the 4<sup>th</sup> respondent found that the alleged accused/5<sup>th</sup> respondent had committed forgery pertaining to the above said land. Subsequently, the complaint was closed as civil in nature since a civil suit in O.S.No.134 of 2019 is pending on the file of Subordinate Court, Madurantakam. Hence, he seeks direction, directing the 4<sup>th</sup> respondent to register FIR as against the 5<sup>th</sup> and 6<sup>th</sup> respondents.

3. The learned Government Advocate (Crl.side) for the respondents 1 to 4 would submit that based on the compliant received from the petitioner, the 4<sup>th</sup> respondent police had conducted enquiry and the alleged accused one Manokaran had stated that in respect of the above said property, civil suit is pending in O.S.No.134 of 2019 on the file of Subordinate Court, Madurantakam and in this



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regard, summon had also been served on the petitioner for appearance. He would further submit that in view of the Hon'ble Supreme Court direction in 28245 of 2018, further action in regard to the complaint given by the petitioner was dropped by the respondent police since the civil suit is pending before the Subordinate Court.

4. Recording the submission of the learned Government Advocate (Crl.side), this writ petition is closed. However, petitioner is at liberty to challenge the closure report filed by the respondent police and approach the concerned Magistrate Court for getting appropriate remedy. No cost.

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Internet : Yes / No  
Index : Yes / No  
Speaking / Non Speaking order  
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  5. The Public Prosecutor  
High Court, Madras.

**V.SIVAGNANAM,J.**



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