



CrI.O.P.No.30392 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2023

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.30392 of 2022

A.Perumalraj

... Petitioner

Vs.

1.The Senior Superintendent of Police (L&O),
Orleanpet,
Puducherry 605 013.

2.The Superintendent of Police,
Muthialpet Police Station,
Puducherry.

3.Inspector of Police,
Muthialpet Police Station,
Puducherry.

... Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code to direct the respondents to register the case on the basis of the petitioner's complaint dated 21.05.2022 and investigate the matter in accordance with law and file a final report before the competent Court of law at the earliest possible time.



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For Petitioner : Mr.M.Gnanasekar

For Respondents : Mr.K.S.Mohandass,
Public Prosecutor (P)

ORDER

The petitioner, S/o.Mohanraj @ Ananda Krishnan had filed this petition seeking for a direction to the respondents to register the case on the basis of his complaint dated 21.05.2022 and investigate the matter in accordance with law and file a final report before the competent Court.

2.The petitioner had lodged a complaint with the third respondent on 21.05.2022 stating that his father Mohanraj was carrying on Timber Workshop in Sakthi Nagar, Saram, Puducherry and his father used to stay at the house at Muthialpet, which was inherited by him. While so, on 20.04.2022, when his father was affected with kidney problem, the hospital authorities advised him to admit at Madhava Hospital, Puducherry. To meet out his medical expenses, the petitioner borrowed Rs.60,000/- from his relative and kept the same at his father's room. After purchasing the medicine, when the petitioner gone to his father's room, he had been shocked to find that his father was hanging. After performing the last rites to his



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father, when the petitioner visited his father's residence, he found that all the documents, cash and jewels were found missing. When the same was questioned by the petitioner, the petitioner's uncles and aunts promised to return the same after the obsequies are over. Even after the same, they refused to permit the petitioner to get into their house so as to collect the documents, cash and jewels. Since a dispute arose between the petitioner's father and the uncles and aunts of his father on the last night prior to the death of his father and the sister of his father, namely, Lakshmi had taken key from the petitioner to open the petitioner's father's room during the death, due to suspicion over his death, the petitioner made a complaint dated 21.05.2022 to the respondent police. As the respondent police had not taken any action on the petitioner's complaint, he has filed this petition.

3.Learned Public Prosecutor appearing for the respondents would submit that the petitioner is now making allegations as though the petitioner's father died under suspicious circumstances. After receipt of the complaint from the petitioner, a case under Section 174 of Cr.PC. in Crime No.31 of 2022 was registered by the respondent police. Since there are some



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property disputes between the petitioner and his uncles and aunts, various allegations have been made during enquiry and investigation. After enquiry and investigation, as the allegations were found to be false and a false complaint has been lodged without any basis by the petitioner, the further action was dropped on 28.04.2022 by the Sub Divisional Magistrate, Puducherry and a copy of the same was also served to the petitioner, who has acknowledged the same.

4.Heard the submissions made on either side and perused the records.

5.It is seen from records that on the complaint made by the petitioner, the respondent police made an enquiry, where they found that it is a dispute with regard to some properties between the petitioner's father and his brothers and sisters. A case under Section 174 of Cr.PC. in Crime No.31 of 2022 was registered by the respondent police and after full fledged enquiry, further enquiry was dropped by them since the allegation made by the petitioner in his complaint is frivolous. The petitioner has also been served with the copy of the same.



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6.Finding that the dispute is between the petitioner and his uncles and aunts over the share of the ancestral property and that there is no iota of evidence to show that the death of the petitioner's father is suspicious and the post mortem report would reveal that the petitioner's father died due to asphyxia, this Court is not inclined to entertain this petition. Hence, this Criminal Original Petition is dismissed.

7.It is made clear that the rights of the petitioner are reserved to file an appropriate petition before the Concerned Court, if he needs to do so.

13.06.2023

Index : Yes/No
Speaking Order/Non-Speaking Order
vga



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M.NIRMAL KUMAR, J.

vga

To

- 1.The Senior Superintendent of Police (L&O),
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- 2.The Superintendent of Police,
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Puducherry.
- 3.Inspector of Police,
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