



Crl.O.P.No.30513 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2023

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.30513 of 2022

M.Devadass

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
Sethupattu Police Station,
Thiruvannamalai.

... Respondent

Prayer : Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code to direct the respondent police to register the FIR based on the complaint of the petitioner dated 12.10.2022 vide C.S.R.No.780 of 2022.

For Petitioner : Mr.S.Thiruvengadam

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor



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ORDER

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The petitioner lodged a complaint with the respondent police on 12.10.2022, though C.S.R.No.780 of 2022 was assigned but no action has been taken. Hence, the present petition is filed.

2.The contention of the petitioner is that the petitioner's father Murugan owns a land comprised in S.No.105/1 measuring an extent of 0.25 ares and an extent of 1 hectare and 33 ares in S.Nos.104/5A, 104/5B, 102/2, 129/2B, 223/5 and 85/4A. These properties were purchased by the petitioner's father and patta also stands in his name. On 27.10.1984 the petitioner's father passed away leaving behind his wife and seven sons as his legal heirs, each of them were employed in various places and they were residing far away from the properties. The petitioner was residing in Chennai. In such circumstances, the petitioner's brother Radhakrishnan who was employed under the Village Administrative Officer taking advantage of having access to the revenue records created a forged document and usurp the property which property devolved on seven legal heirs of Murugan. The said Radhakrishnan by creating the forged document



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settled the property in favour of his three sons by a settlement deed dated 17.06.2021. When the petitioner visited his Village, he came to know about this forgery committed by his brother Radhakrishnan. The petitioner's brother and his sons Suresh, Arunachalam and Anbarasan called the petitioner from their respective mobiles, threatened him and also forced him to move away from the property, otherwise the petitioner would be done to death. The property is now valued around Rs.17 Lakhs, by creating the forged document and using the same, the above offence has been committed. Despite cognizable offence has been committed, the Police has so far neither conducted any enquiry nor registered a FIR.

3.Learned Additional Public Prosecutor submits that on the complaint of the petitioner, both the petitioner and his brother Radhakrishnan were called for enquiry on 17.06.2023, at that time the petitioner's brother informed that he had filed a civil suit in O.S.No,427 of 2021 and I.A.No.547 of 2021 before the District Munsif Court, Cheyyar for the same property and the same is pending. He further submits that in view of the fact that civil suit is pending pertaining to the property for which complaint has been



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given, the case has been closed as civil in nature and the closure report was served to the petitioner on 27.06.2023.

4.Learned counsel for the petitioner submits that the petitioner is not a party to the civil proceedings. He would submit that the petitioner's specific complaint is that the petitioner's brother Radhakrishnan who was attached to the Village Administrative Officer is well versed with the Court procedure and handling of revenue records, with this knowledge he created the forged document and also filed a suit against one Gokulraj S/o.Vedhapuri, it is a stage mannered case, a cover up for creating a forged document and claiming right over the petitioner's property.

5.Considering the above submissions and on perusal of the materials, this Court is of the view that it is for the petitioner to appear before the respondent police, give explanation and clarification with regard to the civil suit and about the forgery committed by the said Radhakrishnan. The respondent Police to find out any forgery has been committed by conducting preliminary enquiry and thereafter, if required register a case and proceed in



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accordance with law.

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

28.06.2023

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

To

1.The Inspector of Police,
Sethupattu Police Station,
Thiruvannamalai.

2.The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

cse

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