



Crl.O.P.No.1490 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.02.2025

CORAM

THE HONOURABLE MR. JUSTICE G.K. ILANTHIRAIYAN

Crl.O.P.No.1490 of 2023

Shanmugam

.. Petitioner

Vs.

1.The Superintendent of Police
Near Vidhyasagar College
Chengalpattu District 603 002

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

3.Manokaran

4.Kannikaparameswari

.. Respondents

Criminal Original Petition under Section 482 Cr.P.C. to call for the entire records which culminated in the proceeding dated Nil bearing reference number C.No.K2/458/3188/SP-CPT/2020, C.No.186/A/SDO/ MKM/2020 and C.No.63/INS/G1PS/MKM/2020 on the file of the 2nd respondent to register a FIR on the basis of the complaint given by the petitioner.



WEB COPY



Crl.O.P.No.1490 of 2023

For Petitioner : Mr.M.Elumalai
For RR1 and 2 : Mr.K.M.D.Muhilan
Government Advocate (Crl. Side)

ORDER

Challenging the order passed by the 2nd respondent dated Nil, thereby closing the complaint lodged by the petitioner, this criminal original petition has been filed.

2. It is the case of the petitioner that his father Ranganathan owned a land comprised in old survey No.77/3, new survey No.349/9 to an extent of 5 cents situated in Kizhvalam Village, Madurantakam Taluk, Chengalpattu District; the said property was purchased by the his father by a registered Sale Deed dated 25.10.1961 registered as document No.2909 of 1961; his father died on 14.04.1998 and thereafter, the petitioner being his only son, is in possession and enjoyment of the property; during the year 2012, he came to understand that the respondents 3 and 4 have asserted as if they are the owners of the said property obtained patta No.134 in their name; hence, he applied for Encumbrance Certificate in respect of the said property, which reveals that a Settlement Deed dated 31.12.2014 was executed by the 4th respondent in favour of her husband 3rd respondent and it was registered as document No.141 of 2015 on the file of the SRO,



Maduranthakam.



Crl.O.P.No.1490 of 2023

WEB COPY

3. It is the further case of the petitioner that he also obtained information under the Right To Information Act on 09.08.2016 and found that no patta was issued in respect of the said property and patta No.134 said to have been obtained by the respondents 3 and 4 is a forged document and therefore, he lodged a complaint before the 1st respondent on 04.01.2017, which was forwarded to the 2nd respondent for enquiry; the 2nd respondent conducted enquiry and called for a report from the jurisdictional Tahsildar; after due enquiry, the Tahsildar, Maduranthakam submitted a report stating that no patta was issued for the said property in favour of the 4th respondent and the said patta is a fabricated document; hence, the 2nd respondent forwarded the complaint to the Land Grabbing Cell for appropriate action as against the accused; but, the Land Grabbing Cell did not enquire the same and directed the 2nd respondent itself to take appropriate action as against the accused, since the 2nd respondent is the jurisdictional police; however, the 2nd respondent closed the complaint lodged by the petitioner on the ground that the 3rd respondent filed a suit in respect of the said property in O.S.No.134 of 2019 on the file of the Sub Court, Maduranthakam as against the petitioner is pending,



Crl.O.P.No.1490 of 2023

challenging which, the petitioner is before this Court.

WEB COPY

4. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

5. When the matter is seized of by the civil Court, the 2nd respondent has no jurisdiction to enquire and close the complaint. It is very unfortunate to state that mere pendency of the suit is not an impediment for the police authority to enquire into the complaint. The 2nd respondent forwarded the complaint lodged by the petitioner to the Land Grabbing Cell and after recording the opinion of the Tahsildar that patta No.134 was forged by the 3rd respondent in order to grab the land owned by the petitioner, the very same authority viz., the 2nd respondent closed the complaint citing that the Civil Suit is pending.

6. It is seen that the said civil suit is pending without any interim order. Therefore, mere pendency of the suit is no way connected to the allegations made as against the respondents 3 and 4. The 4th respondent forged the document and also the signature of the Tahsildar. On the strength of the said patta, the



Crl.O.P.No.1490 of 2023

4th respondent had executed a Settlement Deed in favou of the 3rd respondent, in respect of the property belongs to the petitioner. In such circumstances, the 2nd respondent ought not have closed the complaint stating that the Civil Suit is pending.

7. Though no notice was served on the respondents 3 and 4, they are proposed accused and only after the registration of FIR, they have audience as per Cr.P.C. Therefore, the closure report filed by the 2nd respondent in proceedings dated Nil bearing reference Nos.C.No.K2/458/3188/SP-CPT/2020, C.No.186/A/SDO/MKM/2020 and C.No.63/INS/G1PS/MKM/2020 cannot be sustained and the same is quashed. The 2nd respondent is directed to register the FIR on the complaint lodged by the petitioner forthwith as against the accused persons and proceed in accordance with law.

With the above direction, this criminal original petition is allowed.

19.02.2025

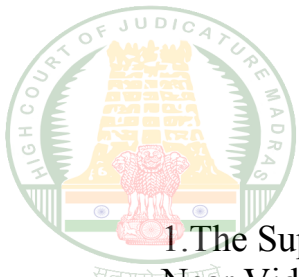
gya

G.K. ILANTHIRAIYAN,J.

gya

To

5\6



Crl.O.P.No.1490 of 2023

1.The Superintendent of Police
Near Vidhyasagar College
Chengalpattu District 603 002

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

3.The Public Prosecutor
High Court, Madras

Crl.O.P.No.1490 of 2023

19.02.2025