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W.P.(CrI.)No.1374 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2025

CORAM:

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

W.P.(CrI.)No.1374 of 2025

Sri Lakshmi Devi

Petitioner

vs.

1. The Superintendent of Police,
Chengalpattu District,
Chengalpattu.

2. The Inspector of Police,
E3, Sadras Police Station,
Sadras,
Chengalpattu District.

Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the second respondent to conduct preliminary enquiry on the petitioner's complaint dated 27.03.2025 and take further action in accordance with law.

For petitioner : Mr.C.Mayilvahana Rajendran

For respondents : R.Vinothraja
Government Advocate (Criminal Side)

ORDER

This writ petition has been filed to direct the second respondent to conduct preliminary enquiry on the petitioner's complaint dated 27.03.2025 and take further action in accordance with law.



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2. Mr. R. Vinothraja, learned Government Advocate (CrI. Side), accepts notice for the respondents/police and with consent of the learned counsel on either side, this writ petition (criminal) is taken up for final disposal at the admission stage itself.

3. The case of the petitioner is that she, along with her brother Mohanraj, jointly purchased a property through a registered sale deed *vide* Document No.1735/2014 on the file of Sub Registrar, Thirukazhukundram on 18.03.2013; thereafter, her brother Mohanraj passed away; since then, she has been in peaceful possession and enjoyment of the property; while so, one R.Sampath Kumar, claiming to be the Administrator of M/s. Pattern and Codes, along with his associates, unlawfully trespassed into her property by fabricating an unregistered sale agreement dated 11.02.2023 as if it was executed by her and her deceased brother and based on the said document, attempted to usurp her property; aggrieved, she lodged a detailed complaint before the second respondent, which was taken on file as C.S.R. No.318 of 2025; despite her complaint coupled with documentary evidence furnished by her, FIR has not been registered and therefore, the present petition has been filed seeking the aforesaid relief.



4. Mr.C.Mayilvahana Rajendran, learned counsel for the petitioner, would submit that the property measuring an extent of 31 cents comprised in S.No.403/2D, situated at No.74B, Poonthandalam Village, belongs to the petitioner and her brother; while so, after the demise of the petitioner's brother on 29.03.2023, the said Sampathkumar attempted to grab the petitioner's property, based on a fabricated and forged unregistered agreement of sale. Learned counsel would further submit that an agreement of sale in respect of an immovable property is mandated to be registered before the appropriate authority under law; however, based on the fabricated and forged unregistered agreement of sale, the accused had attempted to grab the petitioner's property notwithstanding the fact that as on date, the petitioner is the owner of the property; the petitioner had also obtained opinion from an independent laboratory, as per which, the signatures of herself and her deceased brother in the documents had been forged; however, the respondents have not conducted any preliminary enquiry and they have not registered a case either; further, though the petitioner cannot straightaway file a writ of mandamus seeking conduct of a preliminary enquiry, taking into consideration the allegations which are of cognizable nature, the respondents may be directed to conduct a preliminary enquiry and to register a case, if cognizable offences are made out.



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5. Heard both sides.

6. From the materials available on record and also considering the submissions made by the learned counsel for the petitioner, this Court is of the opinion that a case of cognizable offence has been made out for which a preliminary enquiry has to be perforce conducted.

7. In view of the above, the second respondent police is directed to conduct a preliminary enquiry and if the preliminary enquiry makes out a case for registration of a case, the second respondent police shall register an FIR and proceed further in accordance with law.

8. This writ petition stands disposed of with the above directions.
There shall be no order as to costs.

19.11.2025

vsi/cad

Neutral Citation: Yes/No



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To

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1. The Superintendent of Police
Chengalpattu District
Chengalpattu
2. The Inspector of Police
E3, Sadras Police Station
Sadras
Chengalpattu District
3. The Public Prosecutor
High Court, Chennai



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A.D. JAGADISH CHANDIRA, J.

vsi/cad

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