



W.P(MD)No.6837 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.03.2025

CORAM :

THE HON'BLE MR.JUSTICE P.DHANABAL

W.P(MD)No.6837 of 2025

and

W.M.P(MD)No.5119 of 2025

Shalini Andrews

... Petitioner

Vs

**1. The Commissioner of Police,
O/o. Commissioner of Police,
Madurai City,
Madurai.**

**2. The Assistant Commissioner Of Police,
City Crime Branch(Unit III),
Madurai City,
Madurai.**

**3. The Sub Inspector of Police,
City Crime Branch(Unit III),
Madurai City,
Madurai.**

4. R.Kumaresan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of



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India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the Impugned Closure Report in Central Crime Branch - III (ALGSC) dated 30.01.2025 issued by the third respondent and quash the same on the ground that the same is arbitrary, illegal and without legal basis and without jurisdiction consequently directing the respondents no. 1 to 3 to take appropriate action against the 4th respondent by conducting an enquiry based on the petitioner's representation dated 08.10.2024.

For Petitioner : Mr.R.Aravindan,

For R1 to R3 : Mr.R.M.Anbunithi
Additional Public Prosecutor

ORDER

This Writ Petition has been filed seeking to quash the impugned closure report in Central Crime Branch - III (ALGSC) dated 30.01.2025 issued by the third respondent and consequently to direct the respondents 1 to 3 to take appropriate action against the fourth respondent by conducting an enquiry based on the petitioner's representation dated 08.10.2024.



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2.The learned Counsel for the petitioner would submit that the property in S.F.No.332/1B1A and 332/1A1A to an extent of 1.30 acres at Thiruparankundram Village, Madurai District originally belongs to the father of the petitioner namely, K.S.Rajkumar. While so, the fourth respondent has illegally occupied the property since the petitioner is residing at United Kingdom. The fourth respondent created an unregistered sale deed, dated 17.09.2008, as if the same was executed by the petitioner's father/K.S.Rajkumar. The said K.S.Rajkumar died on 15.10.2016 leaving behind the petitioner and her mother Rathinamala and the brother of the petitioner, namely, George Samuel, as legal heirs to succeed his estates. In fact the said K.S.Rajkumar was staying at United States of America on the relevant date and he was not in India. Therefore, the said K.S.Rajkumar could not have signed the document as claimed by the fourth respondent. The fourth respondent filed a civil suit in O.S.No.116 of 2024, on the file of the Additional District Munsif Court, Thirumangalam and the same is pending. While so, the petitioner lodged a complaint through her power agent. Already, the petitioner lodged a complaint before the respondent police and after elaborate enquiry it is informed to this Court through learned Government

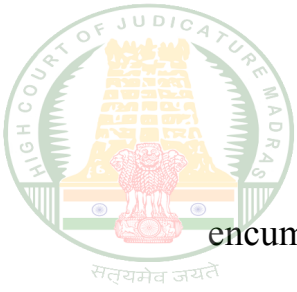


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Advocate (Crl.Side) that the unregistered sale deed is a forged one.

Again, the petitioner has given an online representation to the first respondent to conduct a fresh and fair investigation for the offence of fabrication done by the fourth respondent and the same was referred to the third respondent for further action. The third respondent, without conducting proper enquiry, closed the same as the subject matter can be decided only before the competent civil Court. Therefore, the order passed by the first respondent is liable to be quashed.

3.The learned Additional Public Prosecutor appearing for the respondent police would submit that based on the petitioner's complaint, the respondent police have conducted enquiry and on enquiry, it was revealed that the private respondent encroached the property of the petitioner and already the revenue authorities passed order to remove the encroachment and the same was challenged before this Court in Crl.R.C(MD)No.902 of 2024, wherein, this Court has set aside the order passed by the revenue authorities and the petitioner produced a xerox copy of the unregistered document stating that the petitioner's father was in abroad, however, the private respondent obtained sale deed and it was forged by the private respondent. More over there are no any



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encumbrance over the property as per the records. The encroached

property cannot be restored by the police since it is civil in nature.

Therefore, the parties were advised to go before the civil court for appropriate remedy.

4.This Court heard both sides and perused the records in this case.

5.According to the petitioner, the private respondent created the forged document and thereby, the respondent police have to take appropriate action against the fourth respondent, but the third respondent police without conducting proper enquiry, closed the petition as the dispute is civil in nature.

6.On perusal of records, it is seen that the petitioner lodged a complaint to take action against the fourth respondent for the encroachment made by the fourth respondent. The allegation is that the fourth respondent encroached the property and dumped the iron materials in the property. Therefore, the petitioner lodged the complaint for restoration of the property and also the petitioner produced a copy of the unregistered sale deed, which is said to be executed by the



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petitioner's father in favour of the fourth respondent, which was created by the fourth respondent.

7.The prayer of the petitioner is to set aside the order of the third respondent by closing the complaint of the petitioner and to direct the respondents 1 to 3 to take appropriate action against the fourth respondent by conducting the enquiry based on the representation, dated 08.10.2024. But the said representation has not been produced before this Court, however, the impugned order passed by the third respondent alone is produced.

8.On perusing the impugned order, this Court inferred that the petitioner lodged a complaint to restore the property to the petitioner by removing the encroachment made by the fourth respondent. The third respondent also made an enquiry and as per his enquiry, after hearing both sides observed that already the Revenue Divisional Officer has passed an order to remove the iron materials in the property and the same was challenged through the proceedings before this Court in CrI.R.C. (MD)No.902 of 2024 and the same was allowed and the order of the Revenue Divisional Officer was also set aside by this Court, further the



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petitioner has not produced the original document and only produced the xerox copy of the document in the name of the fourth respondent as if it was executed by the petitioner's father, therefore, the encroached property cannot be restored to the petitioner and the petitioner can approach the competent civil Court. This is the result of the enquiry conducted by the third respondent. Therefore, the third respondent passed the impugned order after conducting enquiry in respect of restoring of the property to the petitioner from the fourth respondent. But the petitioner filed this petition to take action against the fourth respondent for forging the document.

9.Since the enquiry was conducted and closed, it is for the petitioner to challenge the same in the manner known to law, if she is aggrieved. Further, there are no records to show that the petitioner lodged a complaint for taking action for the forged document. Since the earlier petition was only to restore the property from the fourth respondent, it is for the petitioner to approach the third respondent by lodging a fresh complaint in respect of the alleged forgery of documents with sufficient materials. Therefore, the prayer of the petitioner cannot be considered at this stage.



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10. With the above said observations and directions, this Writ Petition is disposed of. Consequently, connected miscellaneous petition is closed.

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Internet : Yes
Index : Yes/No
NCC : Yes/No
LR

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City Crime Branch(Unit III),
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3. The Sub Inspector of Police,
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Madurai City,
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4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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P.DHANABAL, J.

LR

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