

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.05.2015

CORAM

THE HON'BLE MRS.JUSTICE S.VIMALA

CrI.O.P. No. 11513 of 2015

D.Devaraj

... Petitioner

Vs.

1. The Inspector of Police
R-11, Rayala Nagar Police Station
Ramapuram
Chennai-89.

2. S.Nandagopal

... Respondents

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to direct the first respondent police to take appropriate legal action against the second respondent based on the petitioner's recent complaint dated 27.10.2014 with regard to illegal encroachment and criminal trespass made by the second respondent in the petitioner's house property, viz., Door No.5/112, Bajanai Kovil Street, Ramapuram Village, Chennai-89.

For Petitioner : Mr.K.Thilageswaran

For Respondents : Mr.P.Govindarajan,
Additional Public Prosecutor

O R D E R

This petition has been filed under Section 482 Cr.P.C, for a direction to the first respondent police to register a case for the alleged offences of illegal encroachment and criminal trespass, based on the complaint of the petitioner dated 27.10.2014.

2. Mr.K.Thilageswaran, the learned counsel appearing for the petitioner would submit that pursuant to the complaint, neither any case has been registered nor an investigation has been conducted. Hence, the petitioner has preferred the present petition, seeking a direction to register the case.

3.Mr.P.Govindarajan, the learned Additional Public Prosecutor would submit that inquiry is conducted to ascertain, as to whether cognizable offence is disclosed or not, and if disclosed, the first respondent police will register the case following the decision of the Hon'ble Apex Court reported in 2013 (4) Crimes 243 (SC) (Lalitha Kumari Vs. Govt. of U.P. & others).

4. In the light of the above submission made by the learned Additional Public Prosecutor, it is hereby directed that if the inquiry discloses commission of any cognizable offence, the first respondent police shall follow the dictum laid down by the Hon'ble Apex Court in Lalitha Kumari Vs. Govt. of U.P. & others reported in 2013 (4) Crimes 243 (SC) and register a case on the complaint of the petitioner, investigate thereupon and complete the investigation, as expeditiously as possible, in accordance with law.

5.The Criminal Original Petition is disposed of with the above direction.

Sd/-
Vacation Officer

//True Copy//

Sub Assistant Registrar

paa

To

1. The Inspector of Police,
R-11, Rayala Nagar Police Station
Ramapuram,
Chennai-89.

2. The Public Prosecutor,
High Court, Madras - 600 104.

+1cc to Mr.K.Thilageswaran, Advocate, S.R.No.24917

CA(13/05/2015)

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