

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.21384 of 2015

D.Suresh Babu

... Petitioner

Vs.

1.The Commissioner of Police,
Office of Commissioner of Police,
Greater Chennai,
Vepery, Chennai-600 007.

2.The Deputy Commissioner of Police,
Central Crime Branch,
Chennai District,
Office of Commissioner of Police,
Greater Chennai,
Vepery, Chennai-600 007.

3.The Inspector of Police,
Law and Order,
Pallikaranai Police Station,
Pallikaranai, Chennai-600 100.

.... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondents to register a case against K.M.Mohamed Elias & C.Raja, on the basis of the petitioner's complaint dated 6.1.2014 addressed to the first respondent and in continuation of the petitioner's earlier complaint dated 7.12.2013, to the third respondent in accordance with law.

For Petitioner : Mr.G.Jayachandran

For respondent : Mr.C.Emalias,
Addl.Public Prosecutor
for R1 to R3
Mr.P.Sesubalan Raja
for intervenor

ORDER

The present criminal original petition has been filed seeking a direction to the respondents to register a case against one K.M.Mohamed Elias and C.Raja on the basis of the petitioner's complaint dated 6.1.2014 addressed to the first respondent and in continuation of the petitioner's earlier

complaint dated 7.12.2013, to the third respondent in accordance with law.

2. It is the case of the petitioner that he has purchased a house site bearing Plot No.49 measuring to an extent of 5 cents comprised in Survey No.218, No.154 of Jalladianpettai Village, Saidapet Taluk, Chennai, along with a thatched hut from one Joy Raichel Pushpavalli by way of a registered sale deed dated 23.8.2001. Since the thatched hut in the said plot got damaged, the petitioner surrendered the electricity connection and put up a temporary fence. While so, taking advantage of the petitioner's frequent official tour away from Chennai, one Velu attempted to trespass into his land. Hence, the petitioner lodged a complaint with the third respondent police. Subsequently, the said Velu along with co-accused hatched a criminal conspiracy and by creating forged documents, registered two sale deeds in respect of his land in the name of one Mohamed Eliyas and C.Raja. When the petitioner questioned the said Mohamed Eliyas and C.Raja about the same, they threatened the petitioner with dire consequences. Hence, the petitioner lodged a complaint with the respondent police on 6.1.2014. But, till date, no action was taken on the said complaint. Hence, the present petition.

3. Today, when the matter was taken up for consideration, learned Additional Public Prosecutor submitted that the patta for the property in question stands in the name of the petitioner and the counter petitioner. Further, he has submitted that since there is a civil dispute between the parties, after conducting enquiry, the respondent police has closed the complaint as civil in nature.

4. In view of the same, the prayer that has been made in this criminal original petition cannot be granted. Hence, the present criminal original petition is dismissed. However, the petitioner is at liberty to work out his remedy in a manner known to law, if he is so advised.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

1.The Commissioner of Police,
Office of Commissioner of Police,
Greater Chennai,
Vepery,
Chennai-600 007

2.The Deputy Commissioner of Police,
Central Crime Branch,
Chennai District,
Office of Commissioner of Police,
Greater Chennai,
Vepery,
Chennai-600 007

3.The Inspector of Police,
Law and Order,
Pallikaranai Police Station,
Pallikaranai,
Chennai-600 100

4.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.G.Jayachandran, Advocate, S.R.No.69536

CrI.O.P.No.21384 of 2015

sk(CO)
srg(12/01/2016)



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