

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.10.2015

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.No.23990 of 2015

A.Padmini Apparao

.. Petitioner

Vs.

1.The Superintendent of Police
Kancheepuram District
Kancheepuram.

2.The Deputy Superintendent of Police
District Crime Branch
Kancheepuram.

3.The Inspector of Police
Vishnu Kanchi Police Station
Kancheepuram.

4.N.Gnanaprakasam

.. Respondents

Prayer : Criminal Original Petition filed under Section 482 Cr.P.C., praying to direct the second respondent herein to register the case on the petitioner's complaint dated 08.06.2015 and consequently direct the second respondent herein to investigate the same in accordance with law.

For Petitioner :: Mr.M.Guruprasad

For Respondents :: Mr.C.Emalias [R1 to R3]
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to direct the second respondent herein to register a case on the petitioner's complaint dated 08.06.2015 and investigate the same in accordance with law.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents 1 to 3.

3. This petitioner is the owner of a building bearing Door No.164, Gandhi Road, Kancheepuram Town, Kancheepuram District, which has several shops. Admittedly, the petitioner had given on rent, one shop in the front portion to one Gnanaprakasam. There was another shop in the rear portion, which the said Gnanaprakasam had let out to one Idhayadhulla, as if he is the owner of the said shop. When Idhayadhulla came to know that the said Gnanaprakasam is not the owner of the said shop, he started paying the rent to the petitioner herein. Aggrieved by that, Gnanaprakasam appears to have filed O.S.No.104 of 2015 before the District Munsif Court, Kancheepuram and has obtained interim injunction in I.A.No.231 of 2015 against this petitioner and Idhayadhulla, as if he is in possession of the said shop. After getting the interim injunction, the said Gnanaprakasam has forcibly entered into the shop that was in possession of Idhayadhulla on 30.05.2015, with the help of rowdy elements and has taken possession.

4. The petitioner lodged a complaint which was enquired into by the Deputy Superintendent of Police (Crime), Kancheepuram and by a detailed report dated 27.09.2015, submitted to the Superintendent of Police, it is clearly stated that the said Gnanaprakasam has forcibly taken the possession of the shop belonging to the petitioner under the cover of the injunction order, obtained by giving wrong information to the Court.

5. On the orders of the Deputy Superintendent of Police, the Inspector of Police, Vishnu Kancheepuram Police Station was directed to conduct further enquiry. But strangely, the Inspector of Police, Vishnu Kancheepuram Police Station has closed the complaint of the petitioner, on the ground that the dispute is purely civil in nature.

6. This Court is unable to countenance the closure report dated 05.08.2015 of the Inspector of Police, Vishnu Kancheepuram Police Station and therefore the same is set aside. It is obvious to the Court that, a fraud has been played by the said Gnanaprakasam, by first obtaining an interim injunction order and thereafter forcibly taking possession of the shop from the petitioner's tenant Idhayadhulla. This Court makes clear that the pendency of OS.No.104 of 2015 nor the injunction order can in any way deter the Police from investigating the offence and taking action against the said Gnanaprakasam, if it is found that he had forcibly taken possession on 30.05.2015. Criminal law cannot wait for the Civil Courts to adjudicate upon such disputes. Hence, this Court directs the Deputy Superintendent of Police, District Crime Branch, Kancheepuram to conduct the enquiry on the complaint of the petitioner and take suitable action against the said Gnanaprakasam in accordance with law. The petitioner shall also bring to the notice of the learned

District Munsif, Kancheepuram in O.S.No.104 of 2015 about this order passed by this Court, so that the injunction application is disposed of by the Court below expeditiously.

With the above directions, this Criminal Original Petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Superintendent of Police
Kancheepuram District
Kancheepuram.
 - 2.The Deputy Superintendent of Police
District Crime Branch
Kancheepuram.
 - 3.The Inspector of Police
Vishnu Kanchi Police Station
Kancheepuram.
 - 4.The District Munsif Court
Kancheepuram
 - 5.The Public Prosecutor,
High Court, Chennai.
- + 1 cc to Mr.M.Guru[rased, Advocate SR.56743

SKV(CO)
Eu 02.11.15

Cr1. O.P. No.23990 of 2015

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