

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.11.2015

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

CrI.O.P.No.24758 of 2015

The Pattur Jamia (Big) Mosque (GST No.208)
Managing Committee, Pattur, Mangadu
Chennai - 600 122
Rep. By its Secretary
Mr.S.Gulabdeen

.. Petitioner

..vs..

The State Rep. By
The Inspector of Police
Team 22, Anti-land Grabbing Unit Special Cell
Veperu, Chennai - 600 007

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C., to direct the respondent to register FIR based on the complaint given by the petitioner dated 11.08.2015.

For Petitioner : Mr.Mohamed Ehiya

For Respondents: Mr.C.Emalias
Additional Public Prosecutor

O R D E R

The present petition has been filed to direct the respondent to register a case based on the complaint given by the petitioner dated 11.08.2015.

2. The petitioner committee was formed in the year 1946 and the office bearers were elected by an election conducted by the Tamilnadu Wakf Board in the year 2014. When the officer bearers elected in 2014 introspected the rental agreement executed by the then committee in favour of the administrators of Dawn Matriculation School, namely Mr.O.A.Abdul Hameed, Mr.O.A.Mohamed Hassan and Mr.O.A.Khaleelur Rahman on 03.12.2006, it came to be known that the said rental agreement is an unregistered document and that the covenants of the said rental agreement raises lots of doubt. The petitioner would further submit that though the rental agreement was executed in favour of three parties, only two parties have signed it and the then office bearers have also grabbed the properties of the committee. Hence, the petitioner has lodged a complaint on 11.08.2015. Since no action was taken on the said complaint till date, the present petition came to be filed.

3. Today, when the petition is taken up for consideration, the learned Additional Public Prosecutor submitted that the matter is purely civil in nature and only in order to give a criminal colour, the allegation of being threatened has been made in the complaint. Hence, he opposed to give a direction.

4. Considering the submission made, this Court is of the opinion that the allegation made in the complaint could be construed only as a civil dispute. Hence, this Court is not inclined to give any direction as prayed for. However, the petitioner is at liberty to work out his remedy in the manner known to law.

Gpa

Sd/-

Assistant Registrar

/True Copy/

Sub-Assistant Registrar

To

1. The Inspector of Police
Team 22, Anti-land Grabbing Unit Special Cell
Vepery, Chennai - 600 007

2. The Public Prosecutor
Madras High Court, Chennai

+2 C.C. To MR.MOhamed Ehhiya, Advocate in SR.NO.60484

CrI.O.P.No.24758 of 2015

VSN(CO)

sd : 27/11/2015

सत्यमेव जयते

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