

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.11.2015

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

Cr1.O.P.No.25568 of 2015

Mohan

.. Petitioner

..vs..

1. State rep. By
The Inspector of Police
Aayilpatti Police Station
Namakkal District
2. The Superintendent of Police
Namakkal

..Respondents

Criminal Original Petition filed under Section 482 Cr.P.C., to direct the respondents to register FIR on the basis of complaint preferred by the petitioner dated 23.09.2015 and investigate the same in accordance with law.

For Petitioner :Mr.S.Sounthar

For Respondents :Mr.C.Emalias
Additional Public Prosecutor

O R D E R

The present petition has been filed seeking a direction to the respondents to register the complaint given by the petitioner dated 23.09.2015.

2. In the petition it has been stated that 0.26.5 Hectares of land in S.No.64/3 in Periyakurichi Village, Namakkal District belongs to the petitioner as he purchased the same under a registered sale deed from one Chinnammal and was in peaceful possession and enjoyment of the said land. While so, his possession was disturbed by one Chinnathambi S/o.Sellappa Gounder by creating a forged sale agreement. Hence, the petitioner filed the suit before the Sub-Court, Rasipuram and after the dismissal of the said suit, the petitioner has filed

A.S.No.26 and 27 of 2015 on the file of this Court. According to the petitioner, in order to pressurize the petitioner to withdraw the appeals, the said Chinnathambi came to the petitioner's land, damaged the crops and threatened the petitioner with "Koduval". Hence, the petitioner lodged a complaint before the respondent on 23.09.2015. Since no action was taken on the said complaint by the respondents, he came forward to file this petition.

3. Today when the matter is taken up for consideration, the learned Additional Public Prosecutor submitted that the dispute is purely civil in nature and the suit filed by the petitioner has already been dismissed by the civil Court and hence, he prays for dismissal of this petition.

4. In response to the said submission, the learned counsel for the petitioner submitted that though the complaint was given with a specific allegation that the petitioner was threatened with the Koduval, no action was taken by the respondents on the said complaint.

5. Considering the submissions made on either side, this Court is of the opinion that it is appropriate to direct the respondents to conduct an enquiry on the complaint dated 23.09.2015 given by the petitioner, if enquiry was not conducted so far and upon enquiry, if materials are gathered indicating commission of any cognizable offence, the respondent is directed to proceed further in accordance with law, as early as possible and if no cognizable offence is made out, the respondents are directed to pass an appropriate order with regard to closure of complaint.

sd/

ASSISTANT REGISTRAR (CCC)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

gpa

To

1. The Inspector of Police
Aayilpatti Police Station
Namakkal District
2. The Superintendent of Police
Namakkal

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3. The Public Prosecutor
Madras High Court
Chennai

+1 CC to MR.S.Sounthar Advocate. SR.NO. 60656

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CO-VD
JD 26/11/2015



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