

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.11.2015

CORAM:

THE HON'BLE Mr.JUSTICE R.SUBBIAH

CrI.O.P.No.25908 of 2015

Abdullah Basha

... Petitioner

Vs.

State rep. by
Sub Inspector of Police,
Town Police Station,
Ambur,
Vellore District.

... Respondent

Prayer :

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to direct the respondent to register a case based on the complaint lodged by the petitioner dated 22.09.2015 before the respondent and investigate the same according to law.

For Petitioner : Mr.C.V.Kumar

For Respondent : Mr.C.Emalias
Additional Public Prosecutor

ORDER

This petition is filed for a direction to the respondent to register a case based on the complaint lodged by the petitioner dated 22.09.2015 before the respondent and investigate the same according to law.

2.In the petition it has been stated that the petitioner and his wife purchased a property at Natarajapuram, Ambur and one Rajan and Sathyakalavathy illegally attempted to construct a house in that property and hence the petitioner filed O.S.Nos.148 and 149 of 2008 and obtained a decree and the said decree was granted in favour of the petitioner. It is further stated that even after obtaining the decree, the said persons are trying to trespass into the said property. Hence, the petitioner lodged a complaint with the respondent police. Though the complaint was lodged as early as on 22.09.2015, till date no action has been taken. Hence, this petition.

3.The learned Additional Public Prosecutor would submit that the matter is of civil in nature and hence, opposed to grant direction.

4.The learned counsel appearing for the petitioner denies the same and submitted that the petitioner was threatened by the above said persons.

5.I have heard the learned counsel appearing for the petitioner as well as the learned Additional Public Prosecutor.

6.Irrespective of the submissions made on either side, this Court directs the petitioner to give a fresh complaint along with a copy of this order to the respondent within a period of one week from the date of receipt of a copy of this order and the respondent on receipt of the same is directed to conduct enquiry on the same and upon enquiry, if materials are gathered indicating commission of any cognizable offence, is directed to proceed further in accordance with law, as early as possible. If no prima facie case is made out the respondent is at liberty to pass appropriate order on the said complaint.

7.With the above directions, the Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1.The Sub Inspector of Police,
Town Police Station,
Ambur,
Vellore District.

2.The Public Prosecutor
High Court, Madras.

+ 1 cc to Mr.C.v. Kumar, Advocate SR.62232

Cr1.O.P.No.25908 of 2015

SK(CO)

Eu 30.11.15