

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.11.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

CrI.O.P.No.25953 of 2015

Manjula

W/o Nandhakumar

... Petitioner

Vs

1. The Superintendent of Police,
Vellore,
Vellore District.

2. The Inspector of Police,
South Police Station,
Vellore,
Vellore District.

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the 2nd respondent to register the FIR based on the complaint dated 28.07.2015 and investigate the case and file a final report within the stipulated period.

For Petitioner : Mr.M.Sathish Kumar

For respondents : Mr.C.Emalias,
Addl.Public Prosecutor

O R D E R

The present petition has been filed to direct the 2nd respondent to register the FIR based on the complaint dated 28.07.2015 and investigate the case and file a final report within the stipulated period.

2. The case of the petitioner is that she is the owner of the house property at No.18/1Govindaraja Mudali Street, Kaspavellore District . One Jamuna and her son Jayakumar had encroached the house property of the petitioner, when the petitioner was residing in Chennai. Though the petitioner is having a decree against the said Jamuna and Jayakumar, they are

refusing to vacate the premises. Hence, the petitioner has lodged a complaint.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents.

4. Learned Additional Public Prosecutor submitted that a reading of the complaint itself would show that as on date, the petitioner is having a decree as against the counter petitioners. Therefore, the petitioner has to work out her remedy by filing an execution petition and instead of doing so, the petitioner has filed the present petition.

5. I see some force in the contentions raised by the learned Additional Public Prosecutor. When there is a decree in favour of the petitioner, the petitioner has to work out her remedy before the Civil Court in the manner known to law. Therefore, I am not inclined to entertain this petition. Hence, the criminal original petition stands dismissed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

vsi

To

1. The Superintendent of Police,
Vellore,
Vellore District.

2. The Inspector of Police,
South Police Station,
Vellore,
Vellore District.

3. The Public Prosecutor,
High Court, Madras.

Cr1.O.P.No.25953 of 2015

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