

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.11.2015

CORAM:

THE HON'BLE MR.JUSTICE R.SUBBIAH

Crl.O.P.No.26576 of 2015

U.Porkodi

... Petitioner

Vs.,

Inspector of Police,
Vellore North Police Station,
Vellore-632 004,
Vellore District.

... Respondent

Prayer: Petition filed under Section 482 of the Criminal Procedure Code praying to direct the respondent to register a case based on the petitioner's complaint, as acknowledged by the respondent dated 17.10.2015 received in C.S.R.No.189 of 2015, to file an FIR and take action in accordance with law to protect the right of the petitioner.

For Petitioners : Mr.M.Devaraj

For Respondent : Mr.C.Emalias, APP

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ORDER

This Criminal Original Petition has been filed by the petitioner praying to direct the respondent-Police to register a case on the basis of the petitioner's complaint dated 16.10.2015, which has been received by the respondent-Police in C.S.R.No.189 of 2015.

2.It is alleged by the petitioner that on 30.05.2015, one R.V.M.Sambandam and four others trespassed and encroached a portion of the property, which in possession of the petitioner, and put up fencing. Though the complainant was given by the petitioner in this regard, no action was taken by the respondent-Police. Hence, the petitioner has come forward before this Court.

3.When the matter was taken up for consideration, the learned Additional Public Prosecutor submitted that on the basis of the petitioner's complaint, the respondent-Police conducted

an enquiry and since an appeal suit is pending in respect of the subject property in A.S.No.34 of 2014 on the file of the District Court, Vellore, the complaint of the petitioner was closed by the respondent-Police.

4.Since the complainant of the petitioner was already closed, this Court can not give a direction to the respondent-Police as prayed for by the petitioner. However, the petitioner is at liberty to work out his remedy under Section 154(3) or 156 (3) of Cr.P.C. before the appropriate forum, if he so desires.

Accordingly, the criminal original petition is dismissed.

ssv

-s/d-

Assistant Registrar(CS-II)

True Copy

Sub-Assistant Registrar

Copy to_

1. The Inspector of Police,
Vellore North Police Station,
Vellore-632 004,
Vellore District.

2. The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.M.Devaraj, Advocate SR 61547

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