

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.11.2015

CORAM:

THE HON'BLE MR.JUSTICE R.SUBBIAH

Cr1.O.P.No.26625 of 2015

Kannan

... Petitioner

Vs.

The Inspector of Police,
S-6, Shankar Nagar Police Station,
Chennai-75.

... Respondent

Prayer: Petition filed under Section 482 of the Criminal Procedure Code praying to direct the respondent-Police to register a case based on the complaint given by the petitioner dated 20.10.2015 and investigate the matter in accordance with law.

For Petitioner : Mr.V.Karnan

For Respondent : Mr.C.Emalias APP

ORDER

This petition has been filed seeking to direct the respondent-Police to register a case on the basis of the petitioner's complaint dated 20.10.2015 and investigate the matter in accordance with law.

2.In the affidavit filed in support of this petition, it has been stated by the petitioner that the petitioner's wife Shanthi had purchased a house property in Plot No.4, Kambar Street, Abdul Kalam Nagar, Cowl Bazzar, Chennai, from one Nalini Nagalakshmi W/o.Sundaraj and the same is registered in Document No.5013/2014, dated 07.07.2014. After purchasing the above said property, the petitioner started construction. While so, one Vijaya and her sister Mala, Siva and others conspired together and they created forged voter I.D and Vodafone phone bill receipts and also created a lease deed by using the above said forged documents, they had filed a suit in O.S.No.762/2014 on the file of District Munsif Court at Alandur and they also filed an injunction application in I.A.No.1264/2014 and obtained an exparte interim injunction. Using the exparte injunction, the said accused persons threatened the petitioner and his family members to stop further construction in the above said house property. On

25.09.2015, the District Munsif Court at Alandur found that the above said documents, which was produced by the above said Vijaya, were fabricated and hence by recording the same the ex parte injunction granted in her favour was vacated by the Court. On 19.10.2015, in order to complete the construction work the petitioner went to the above said property; at that time the above said Shanthi and her sister Mala and their henchmen restrained the petitioner from entering into the property and abused the petitioner in filthy language and also threatened the petitioner with dire consequences. Immediately the petitioner gave a complaint dated 20.10.2015 with the respondent-police and the same was duly received by the respondent, vide CSR.No.828/2015. But, thereafter no action was taken by the respondent-Police. Hence, the petitioner has come forward with the present petition.

3.Heard both sides. The learned Additional Public Prosecutor submitted that after conducting enquiry, the respondent-Police closed the petitioner's complaint, since the Civil Suit is already pending between the parties before the District Munsif Court, Alandur.

4.Since the complaint has already been closed by the respondent-Police, at this stage, this Court cannot give any direction as sought for by the petitioner. It is always open to the petitioner to work out his remedy under Section 154(3) or 156(3) of Cr.P.C. Hence, this criminal original petition is dismissed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

ssv

To,

1.The Inspector of Police,
S-6, Shankar Nagar Police Station,
Chennai-75.

2.The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.V. Karnan, Advocate sR.61644

CrI.O.P.No.26625 of 2015

AR-II

En 25.11.15

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