

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.26756 of 2015

K.Krishnan

... Petitioner

Vs

The Station House Officer,
Mahendramangalam Police Station,
Mahendramangalam,
Palacode Taluk,
Dharmapuri District.

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondent to investigate the case registered in F.I.R.No.299 of 2011 on the file of the respondent in accordance with law and to file its final report as expeditiously as possible.

For Petitioner : Mr.C.Vishwanth
For Respondent : Mr.C.Emalias,
Addl. Public Prosecutor

ORDER

The present criminal original petition has been filed by the petitioner seeking a direction to the respondent to investigate the case registered in F.I.R.No.299 of 2011 in accordance with law and to file its final report as expeditiously as possible.

2. In the petition, it is stated that the petitioner owns an ancestral property in Seengeri Village. In a family partition and family arrangement, the said property was allotted to him. Aggrieved by the same, his brother's sons one Palani and Ranganathan with the aid of one Murugan and Manikandan encroached the said property and started to remove the terrace and demolish the house and thus, caused damages. Hence, the petitioner lodged a complaint with the respondent police on 9.12.2011 and the same was registered in F.I.R. No.299 of 2011 under Sections 294(b), 248 and 506(ii) I.P.C. and Section 3 of PPD Act on 19.12.2011. But, till date, final report has not been filed. Hence, the present petition.

3. Today, when the matter was taken up for consideration, learned Additional Public Prosecutor submitted that after completion of investigation, final report was filed on 5.7.2013 itself, but the same was returned by the learned Judicial Magistrate, Palacode, with a direction to assess the damages caused to the property from Public Works Department and thereafter, file the final report along with the valuation report. Hence, the respondent police is not in a position to file final report.

4. Learned counsel appearing for the petitioner submitted that the Public Works Department is not the competent authority to assess the damages. In fact, already, the respondent himself assessed the damages.

5. In view of the submissions made by the learned counsel on either side, this Court directs the learned Judicial Magistrate, Palacode to receive the charge sheet in F.I.R.No.299 of 2011, if it is otherwise in order. The criminal original petition is ordered accordingly.

Sd/
ASSISTANT REGISTRAR (CS-IV)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

sbi

To

1.The Station House Officer,
Mahendramangalam Police Station,
Mahendramangalam, Palacode Taluk,
Dharmapuri District.

2.The Judicial Magistrate, Palacode

3.Do thro' The Chief Judicial Magistrate,
Dharmapuri District.

4.The Public Prosecutor,
High Court, Madras.

+1 CC to MR.C.Vishwanth Advocate. SR.NO. 62203

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CO-SKV

JD 09/12/2015