

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.26761 of 2015

G.Dilli

... Petitioner

Vs

The Inspector of Police
E-5, Sholavaram Police Station,
Chennai - 600 067

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondent police to register the case against the six accused on the complaint on 28.09.2015 vide CSR No.522 of 2015 dated 28.09.2015 according to law.

For Petitioner : Mr.R.Balasubramanian
For respondent : Mr.C.Emalias,
Addl.Public Prosecutor.

O R D E R

The present criminal original petition has been filed seeking a direction to the respondent to register a case in pursuance of the petitioner's complaint dated 28.09.2015 in C.S.R.No.522 of 2015.

2. In the petition, it has been stated that the petitioner has purchased the cultivable land from one Elumalai, S/o.Govindaswamy Reddiyar, situated in Sothuperumbedu village, Ponneri Taluk, Thiruvallore District, in the year 2000 and he is enjoying the said land without any hindrance. On 20.07.2012, when the petitioner went to see his land, he found that three lorries parked near his land and loading soil from his land. When the petitioner questioned them, they informed that the President of Sothuperumbedu Panchayat instructed them to load the soil. Immediately, the petitioner approached the President and warned his illegal act by misusing his power. By taking advantage of the same, on 01.08.2012, the same persons again loaded the soil illegally from the petitioner's land. When the petitioner prevented them, they attempted to assault him. Therefore, the petitioner has lodged the complaint on 01.10.2012 and C.S.R. was also issued vide No.214/2012. Then the petitioner has filed W.P.No.24539 of 2012 before this Court and obtained

injunction on 20.08.2014, which is in force. On 28.09.2015, at about 10.00 a.m., when the petitioner was carrying on agricultural operation in his land, at the instigation of the Panchayat President, some persons brought the dead body of one Muthu Reddiyar and trespassed into his land wantonly and caused damages to the trees worth about Rs.25,000/-. Hence, he lodged the complaint on 28.09.2015 and C.S.R.No.522 of 2015 has been assigned. But, till date, the respondent police has not taken any action. Hence, the present criminal original petition has been filed.

3. I have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

4. Considering the submissions made on either side, this Court is of the opinion that it is appropriate to direct the respondent to conduct an enquiry on the complaint dated 28.09.2015 given by the petitioner and if there are materials indicating commission of offence, he is also directed to investigate the matter and proceed further in accordance with law, as early as possible.

5. This criminal original petition is disposed of accordingly.

kj

-s/d-

Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

To

1.The Inspector of Police
E-5, Sholavaram Police Station,
Chennai - 600 067.

2.The Public Prosecutor, High Court, Madras.

+ 1 cc to Mr.R.Balasubramanian, Advocate SR 62760

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