

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2015

CORAM:

THE HON'BLE MR.JUSTICE R.SUBBIAH

Cr1.O.P.No.27005 of 2015

J.Vijay

... Petitioner

Vs.

1.The State rep.by
The Commissioner of Police,
(Chennai District),
Office of the Commissioner of Police,
No.132, Near Dinathanthi Office,
E.V.K.Sampath Road, Vepery,
Chennai-600 007.

2.The Inspector of Police,
D-6, Anna Square Police Station,
Chennai-600 005.

... Respondents

Prayer: Petition filed under Section 482 of the Criminal Procedure Code praying to direct the 1st respondent-Commissioner of Police, Chennai District, to register a First Information Report, through the 2nd respondent/Police against all the Trustees of TKNN Charities Trust, being the accused persons viz., 1.Mr.D.V.S.Prasad, 2.Mr.V.Dhamodhar, 3.Mr.C.A.Raja, 4.Mr.M.Kasinath, 5.Mr.M.Kasinath and further entrust the investigation to a Police Officer senior in rank to the 2nd respondent/Inspector of Police, D-6, Anna Square Police Station, Chennai, so as to file a final report within a stipulated period of time in accordance with law, after conducting proper, complete, thorough investigation, in respect of the petitioner's complaint dated 29.08.2015.

For Petitioner : Mr.B.K.Singh

For Respondents : Mr.C.Emalias, APP

ORDER

This petition has been filed seeking to direct the 1st respondent-Commissioner of Police, Chennai District, to register a First Information Report, through the 2nd respondent/Inspector of Police, D-6, Anna Square Police

Station, Chennai, on the basis of the petitioner's complaint dated 29.08.2015, against all the Trustees of TKKNN Charities Trust and further to entrust the investigation to a Police Officer senior in rank to the 2nd respondent, so as to investigate and file a final report within a stipulated period of time in accordance with law.

2. In the affidavit filed in support of this petition, it has been stated by the petitioner that the petitioner is a Managing Partner of a partnership firm viz., Shanthi Engineering Work, having office at Triplicane, Chennai. His SSI Unit was inducted as Tenant in the subject property during the year 1972 by TKKNN Vysya Charities/Public Trust established in the year 1826, to carry on its partnership business. Being a tenant, the petitioner has been prompt in paying the rent. While so, during the first week of January-2014, the Trustees viz., 1. Mr. D.V.S. Prasad, 2. Mr. V. Dhamodhar, 3. Mr. C.A. Raja, 4. Mr. M. Kasinath & 5. Mr. M. Kasinath, seriously sought to throw out the petitioner from the said property without following due process of law, by issuing notice for termination of the lease. Hence, the petitioner filed a Civil Suit in O.S.No.2171 of 2014 before the learned XIV Assistant City Civil Court, Chennai for permanent injunction, restraining the Trustees in any manner from forcibly evicting the petitioner from the said property and the said suit is pending. While so, on 22.08.2015, when the petitioner, along with other tenants, tried to set right the common borewell, the Trustees along with 25 persons came there and resorted to violence using unparliamentary words and they threatened the petitioner with dire consequence. In this regard, a complaint was lodged by the petitioner on 29.08.2015, but no action was taken by the respondents-Police. Hence, the petitioner has come forward with the present petition before this Court.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor and perused the materials available on record.

4. Considering the facts and circumstances of the case, this Court passes the following order:-

The petitioner is directed to give a fresh complaint to the 2nd respondent-police, along with a copy of this order, within a period of one week from the date of receipt of a copy of this order. On receipt of such complaint, the 2nd respondent-Police is directed to hold an enquiry and if any cognizable offence is made out against the accused persons, the 2nd respondent is directed to register the case on the said complaint given by the petitioner. If it appears civil in nature, the 2nd respondent-Police is directed to act in accordance with law. The 2nd respondent-police is directed to

complete the process, as early as possible.

With the above directions, this criminal original petition is disposed of.

sd/
ASSISTANT REGISTRAR (CS-VII)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

SSV

To,

- 1.The XIV Assistant Judge,
City Civil Court, Chennai.
- 2.The Commissioner of Police,
(Chennai District),
Office of the Commissioner of Police,
No.132, Near Dinathanthi Office,
E.V.K.Sampath Road, Vepery,
Chennai-600 007.
- 3.The Inspector of Police,
D-6, Anna Square Police Station,
Chennai-600 005.
- 4.The Public Prosecutor,
High Court, Madras.

+2 CC to MR.B.K.Singh Advocate. SR.NO. 61948

CO-MSM
JD 14/12/2015

Crl.O.P.No.27005 of 2015

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