

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.11.2015

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

CRL.O.P.No.27006 of 2015

B.Malasamantha

..Petitioner

/vs/

State represented by
Inspector of Police,
Kunrathur police station,
Kancheepuram District.

..Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. seeking a direction to the respondent to register a FIR on the basis of complaint dated 23.09.2015 in C.S.R.No.362/2015 and investigate the matter and file a report within a stipulated period.

For Petitioner : Mr.K.Rajasekaran

For Respondents : Mr.C.Emalias,
Additional Public Prosecutor

O R D E R

This petition has been filed seeking a direction to the respondent to register a case on the basis of complaint of the petitioner dated 23.09.2015 in C.S.R.No.362/2015 and investigate the same and also file a final report, within a stipulated period.

2. It is seen that the petitioner is the owner of the property comprised in S.No.117/1B, admeasuring 46 cents, situated at Kavanur Village, Kanchipuram District. The said property was measured by the petitioner with the assistance of the Village Administrative Officer and Surveyor in the presence of adjacent land owners and the boundaries were demarcated. Now, the petitioner is fixing glass pieces on the top of the compound wall around the land, and the said construction work is almost in completion stage. While so, on 23.09.2015, when the construction labours were working, suddenly Kajendran owner of the adjacent land, jumped into compound wall and trespassed to the petitioner's land and also locked the door of the compound wall. The said Kajendran attacked the watchman and threatened the construction workers and also, demolished the newly

constructed compound wall. Hence, the petitioner has lodged a complaint before the respondent police. After receiving the complaint, C.S.R.No.362/2015 has been assigned by the respondent police. Thereafter, no action has been taken till date. Hence, the petitioner has filed the present criminal original petition.

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

4. Considering the submissions made on either side, this Court is of the opinion that the respondent is directed to conduct enquire the matter and upon enquiry, if materials are gathered indicating commission of any cognizable offence, the respondent is directed to proceed further in accordance with law, preferably within a period of two months.

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

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Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub-Assistant Registrar

To

1. The Inspector of Police,
Kunrathur police station,
Kancheepuram District.

2. The Public Prosecutor,
High Court, Madras.

+1 C.C. To MR.K.Rajasekaran, Advocate in SR.NO.60488

Cr1.O.P.No.27006 of 2015

AR(III)

sd : 23/11/2015