

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2015

CORAM:

THE HON'BLE MR.JUSTICE R.SUBBIAH

Crl.O.P.Nos.27037 & 27038 of 2015

R.Ravichandran ...Petitioner in both Crl.O.Ps

Vs.,

State by The Inspector of Police,
E-5, Pattinapakkam Police Station,
Chennai-600 028. ...Respondent in both Crl.O.Ps

Prayer in Crl.O.P.No.27037: Petition filed under Section 482 of the Criminal Procedure Code seeking to direct the respondent-Police to register a case based on the complaint dated 21.10.2015 given by the petitioner and to investigate the case in accordance with law.

Prayer in Crl.O.P.No.27038: Petition filed under Section 482 of the Criminal Procedure Code seeking to direct the respondent-Police to provide necessary police protection to the petitioner and his family.

For Petitioner : Mr.R.Ramesh in both the Crl.OPs

For Respondent : Mr.C.Emalias, APP
in both the Crl.OPs
Mr.S.Raveekumar (for intervener)
in both the Crl.OPs

COMMON ORDER

Crl.O.P.No.27037 of 2015 has been filed by the petitioner seeking to direct the respondent-Police to register a case on the basis of the complaint dated 21.10.2015 given by the petitioner and to investigate the same in accordance law.

2.Crl.O.P.No.27038 of 2015 has been filed by the petitioner seeking to direct the respondent-police to provide necessary police protection to the petitioner and his family members.

3.Since the issues involved in these petitions are inter-related to each other, they are disposed of by way of this common order.

4.In the affidavits filed in support of these petitions, it has been stated by the petitioner that the petitioner purchased a property situated at No.10/10, Appavoo Gramani first street, Mandaveli, Chennai, from one Kala and the property has been registered in the name of his wife R.Sarala due to his love and affection towards his wife. Prior to the said purchase, the petitioner had entered into the sale agreement with the said Kala; but thereafter a dispute arose between the said Kala and the wife of the petitioner. When the said Kala/vendor refused to execute the sale deed, the petitioner filed a suit before this Court. Thereafter, the said Kala/Vendor executed the sale deed in favour of the petitioner's wife and the same was registered on 26.06.2013 vide Document No.1989/2013 on the file of the Sub-Registrar, Mylapore. A tenant was residing in the said premises, but subsequently, the possession was taken from the said tenant by the petitioner. While so, on 20.10.2015 one Munusamy, Kannan, Gupendran, Sridhar and ten other persons, claiming to be trustees of a temple viz., Arulmigu Thulukanathamman Temple, trespassed into the premises of the petitioner. They informed the petitioner that the said property belongs to the said temple and they destroyed the house hold articles of the petitioner and threatened the petitioner with dire consequence.

5.It is further stated by the petitioner that before he purchases the said property, there was a dispute between his vendor Kala and the trustees of the said temple. In this regard, the said temple filed a civil suit against the vendor of the petitioner and the said suit was dismissed and the appeal filed by the temple was also dismissed. Thereafter only the petitioner had purchased the said property. Hence, the petitioner lodged a complaint with the respondent-police on 21.10.2015 and the same was received by the respondent-Police in CSR.No.596/2015. But, no action was taken by the respondent-Police to register the case against the said accused persons. Hence, the petitioner has file the above petitions seeking to direct the respondent-Police to register a case as well as to provide police protection to the petitioner and his family.

6.Heard the learned counsel for the petitioner, learned counsel for the intervener and the learned Additional

Public Prosecutor and perused the materials available on record.

7.Considering the facts and circumstances of the case, without going into the merits of the claim made by the petitioner, this Court directs the respondent-police to conduct an enquiry in CSR.No.596 of 2015 and if a prima facie case is made out, the respondent-Police is directed to register a case and proceed further in accordance with law, as early as possible. So far as police protection is concerned, the respondent-Police is directed to pass appropriate order independently, by affording opportunity of hearing to the petitioner as well as to other necessary parties, if any, as early as possible.

With the above directions, the criminal original petitions are disposed of.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

ssv

To

1. The Inspector of Police,
E-5, Pattinapakkam Police Station,
Chennai-600 028.
2. The Public Prosecutor,
High Court, Madras.

2 CCs to Mr.R.Ramesh, Advocate SR.No. 62235 & 62236

1 CC to Mr.S.Raveekumar, Advocate SR.No. 62514

CrI.O.P.Nos.27037 & 27038 of 2015

BVR (CO)
PSI (27.11.2015)