

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.11.2015

CORAM:

THE HON'BLE MR.JUSTICE R.SUBBIAH

Crl.O.P.No.27064 of 2015

C.Naveenkumar

... Petitioner

Vs.,

1.The Superintendent of Police,
Officer of the Superintendent of Police,
Nilgiris, Nilgiris District.

2.The Inspector of Police,
Anti Land Grabbing Special Cell,
Nilgiris, Nilgiris District.

... Respondents

Prayer: Petition filed under Section 482 of the Criminal Procedure Code praying to direct the 2nd respondent to register a case against the accused person on the petitioner's complaint dated 03.08.2015.

For Petitioner : Mr.D.S.Haroon Rasheed

For Respondents : Mr.C.Emalias, APP

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ORDER

This petition has been filed seeking for a direction to the 2nd respondent-Police to register a case on the basis of the petitioner's complaint dated 03.08.2015 and to investigate the same in accordance with law.

2.In the affidavit filed in support of the petition, it has been stated by the petitioner that on 09.12.2013, the petitioner has purchased a house property from one Lakshmi Ammal and Gopal, by way of registered Sale Deed vide Document No.2940/2013 registered on the file of the Sub-Registrar at Kothagiri. At the time of purchasing the said property, two persons viz., one Mariammal and Vijayalakshmi were residing in the said house as tenants under the previous owner. After purchasing the property, when the petitioner tried to vacate the

said tenants from the premisses, they request time to vacate the premisses. But, even after the lapse six months, they refused to vacate the premisses and subsequently, they started to threaten the petitioner. In this regard, the petitioner has lodged a complaint with the respondent-Police, but no action was taken. Hence, the petitioner has come forward with the present petition before this Court.

3. Heard both sides and perused the materials available on record.

4. The learned Additional Public Prosecutor opposed to grant direction to the respondents stating that the matter is purely civil in nature. Further, only in order to give criminal colour to the civil case, the petitioner has lodged the complaint with the respondents-police.

5. The learned counsel for the petitioner submitted that it is incorrect to state that the matter is purely civil in nature; in fact, the counter parties threatened the petitioner with criminal intimidation.

6. 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 shall conduct an enquiry and dispose of the same, in accordance with law, as early as possible. In case, after enquiry, the 2nd respondent-Police comes to the conclusion that the matter is civil in nature, he can direct the petitioner to approach the Civil Court.

With the above direction, the criminal original petition is disposed of.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

SSV

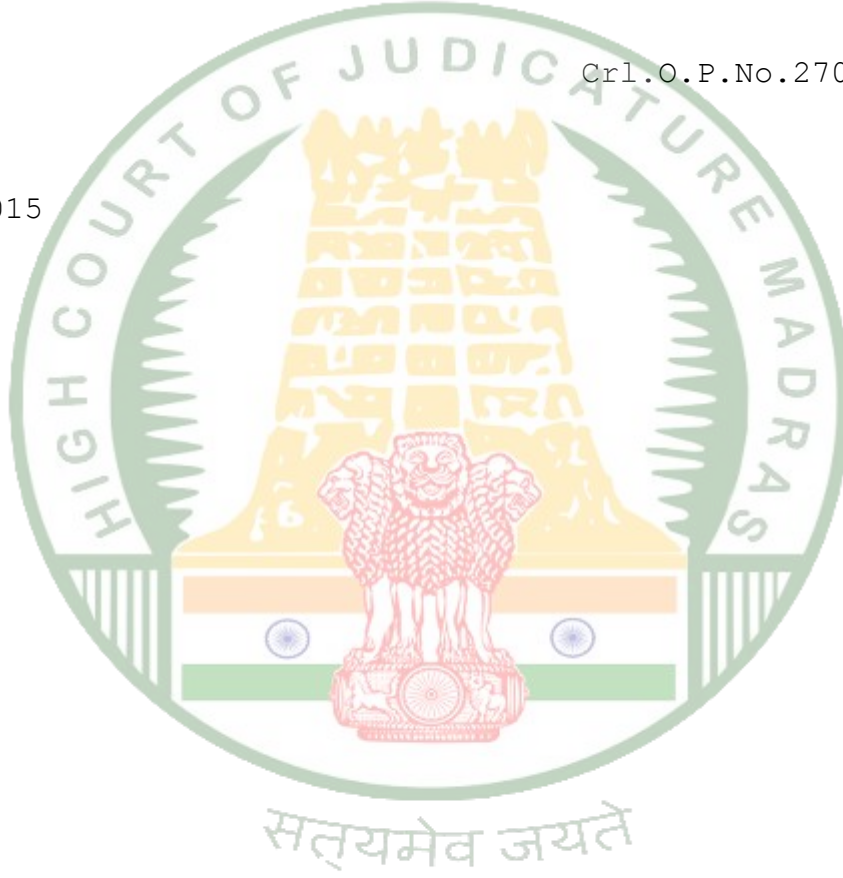
To,

1.The Superintendent of Police,
Officer of the Superintendent of Police,
Nilgiris, Nilgiris District.

2.The Inspector of Police,
Anti Land Grabbing Special Cell,
Nilgiris, Nilgiris District.

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