

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.27123 of 2015

R.Ravindran @ Babu

... Petitioner

Vs

1. The Superintendent of Police,
Ram Nagar,
Coimbatore.
2. The State Represented by
The Inspector of Police,
Karumathampatti Police Station,
Coimbatore. ... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. seeking a direction to the respondent to register the petitioner's complaint dated 13.10.2015 made to the respondent and to investigate the same in accordance with law.

For Petitioner : Mr.N.Chinnaraj

For Respondents : Mr.C.Emalias
Additional Public Prosecutor

O R D E R

The present criminal original petition has been filed seeking direction to the respondent to register a case based on the complaint of the petitioner dated 13.10.2015 and investigate the same in accordance with law.

2. The case of the petitioner is that the petitioner's mother was owning 5.09 acres of agricultural land and the same was purchased by his grandfather in the year 1969. On 07.02.2005, the petitioner's mother had executed a sale deed in

favour of one Late Kanagaraj to the extent of 3.02 acres out of 5.09 acres and the remaining portion of the land is being cultivated by the petitioner. The said Kanagaraj had established a spinning mill in the above said land. Due to running of the spinning mill, the cotton and the other waste is exploring to the petitioner's agricultural land. In this regard, the petitioner contacted the said Kanagaraj and expressed his grievances, but he was not hearing the words of the petitioner. Further the said Kanagaraj along with rowdy elements threatened the petitioner and his family members to sell the land to him. In the meantime, the said Kanagaraj passed away on 01.02.2015. On 04.10.2015, while the petitioner was removing the cotton waste and other waste from his agricultural land, the legal heirs of Kanagaraj, namely his wife Sagunthala, daughters Kousalya, Birutha and his son Prabhu trespassed into the land of the petitioner and threatened him to sell the land to them within two weeks, otherwise, they will kill them with the help of henchmen. Hence, the petitioner herein lodged a complaint before the respondent police. But till date, no action was taken by the second respondent.

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

4. The learned Additional Public Prosecutor submitted that the complaint was sent only by post. He further submitted that the allegation made in the petition would show that the matter is civil in nature and thus he opposed to give a direction. But the learned counsel for the petitioner denies the same and thus sought for direction.

5. In view of the submissions made on either side, this court directs the petitioner to give a fresh complaint to the 2nd respondent along with the copy of this order within a period of one week from the date of receipt of a copy of this order and on receipt of the same, the 2nd respondent is directed to conduct enquiry and upon enquiry, if materials are gathered indicating commission of any cognizable offence, the 2nd respondent is directed to proceed further in accordance with law. During the course of enquiry, the 2nd respondent comes to the conclusion that the matter is purely civil in nature, he shall advise the parties to approach the civil court.

6. This criminal original petition is disposed of accordingly.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

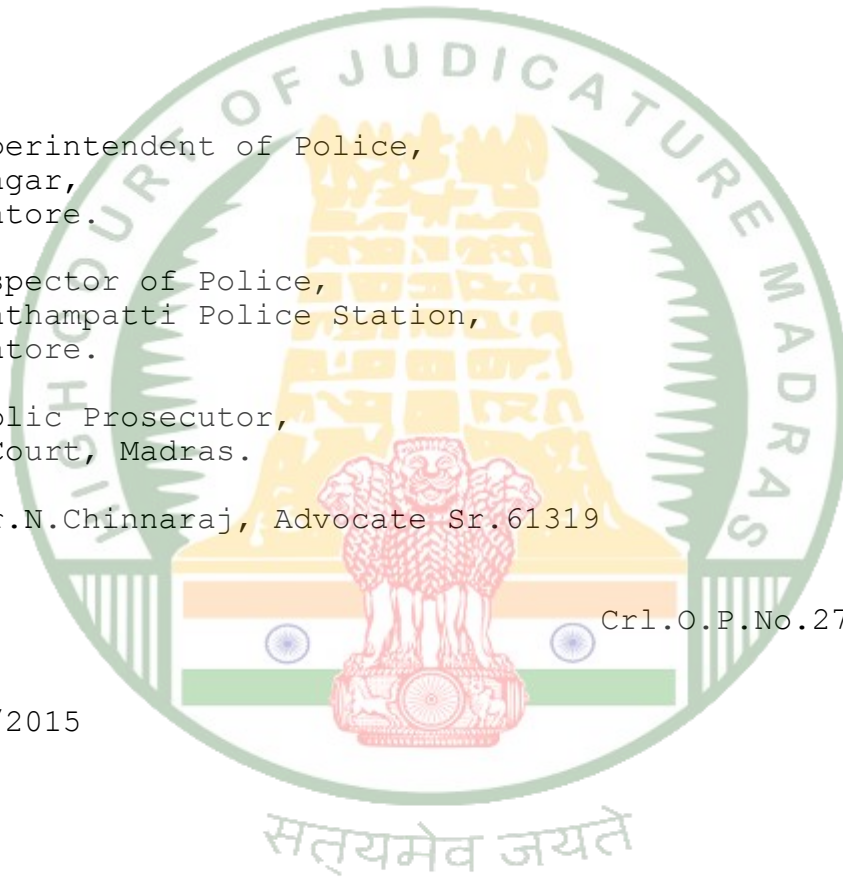
To

1. The Superintendent of Police,
Ram Nagar,
Coimbatore.
2. The Inspector of Police,
Karumathampatti Police Station,
Coimbatore.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.N.Chinnaraj, Advocate Sr.61319

Crl.O.P.No.27123 of 2015

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srg 23/11/2015



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