

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.27134 of 2015

A.M.Thimmaraj

... Petitioner

Vs

1. The State represented by
The Inspector of Police,
Bagallur Police Station,
Hosur Taluk, Krishnagiri District.

2. The Sub Inspector of Police,
Berigai Police Station,
Hosur Taluk, Krishnagiri District.

... Respondents

Criminal Original Petition filed under Section 482
Cr.P.C. seeking a direction to the respondent to register a case
based on the complaint lodged by the petitioner dated 12.09.2015
against the named persons in the complaint.

For Petitioner : Mr.V.Sakkarapani

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 second respondent to register a case
based on the complaint of the petitioner dated 12.09.2015 and
investigate the same in accordance with law.

2. The case of the petitioner is that he has owned a
house in Survey No.391/31 measuring to an extent of 342 sq.ft.
and residing there. In the front side of the petitioner's
property, towards the eastern side, there is a pathway to the
petitioner's property. He further submitted that Anand,
Venkatraj, Maadesh and Ravi are continuously making attempts to

encroach the front portion of the petitioner's property and convert the same into path way. Hence, the said persons along with VAO and other officers inspected the property and informed the Panchayat President that the land claimed by the said persons cannot be converted into pathway. Hence, they are having vengeance against the petitioner and making attempts to assault the petitioner and his family members. In fact they have made attempts to murder the petitioner by using tempo van. Immediately, the petitioner herein lodged a complaint before the second respondent police on 12.09.2015. 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 and if the petitioner gives a fresh complaint, necessary action will be taken. He further submitted that the allegation made in the petition would show that there is civil dispute between the parties. 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 second respondent is directed to conduct enquiry and upon enquiry, if materials are gathered indicating commission of any cognizable offence, he 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 may pass an appropriate order in accordance with law.

6. This criminal original petition is disposed of accordingly.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

vrc/vsm

To

1. The Inspector of Police,
Bagallur Police Station,
Hosur Taluk, Krishnagiri District.
2. The Sub Inspector of Police,
Berigai Police Station,
Hosur Taluk, Krishnagiri District.
3. The Public Prosecutor,
High Court, Madras.

+lcc to Mr.V.Sakkarapani, Advocate, S.R.No.60828

Crl.O.P.No.27134 of 2015

VSN(CO)
CA(08/12/2015)



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