

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.27316 of 2015

K.Satheesh

... Petitioner

Vs

State rep by:

The Sub Inspector of Police,
Kotar Police Station,
Vikravandi Taluk,
Villupuram District.

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondent police to register the complaint dated 4.9.2015 given by the petitioner and take action according to law.

For Petitioner : Mr.K.Gajendiran

For Respondent : Mr.C.Emalias,
Addl. Public Prosecutor

ORDER

The present criminal original petition has been filed seeking a direction to the respondent police to register the complaint

dated 4.9.2015 given by the petitioner and take action according to law.

2. It is the case of the petitioner that he is residing at Avumpuli Village, Vikravandi Taluk. In the said village, there is a temple of Arulmighu Sivan, Gangaianman and Madurai Andavar on the shore of the Tank situated in the village. The said Tank and the temple are situated in the Poromboke land. While so, some persons encroached the said Tank shore and the way to the temple and put up huts therein. On 2.9.2015 at about 7.00 a.m., one Karpagam, who is occupying the Tank shore and the pathway to the temple, questioned the

petitioner about his visit to the temple and abused him with filthy language and threatened him not to visit the said temple. Hence, the petitioner lodged a complaint before the respondent police on 4.9.2015. But, till date, no action was taken on the said complaint. Hence, the present petition.

3. Learned Additional Public Prosecutor submitted that the dispute between the parties appears to be with regard to usage of pathway and it is purely civil in nature. Thus, he prays for the dismissal of the petition.

4. But, the learned counsel appearing for the petitioner has submitted that there is a specific allegation as against the said Karpagam stating that she has threatened the petitioner with dire consequences.

5. Considering the submissions made on either side, this Court is constrained to pass the following order:-

(i) The petitioner is directed to give a fresh complaint to the respondent police within a period of one week from the date of receipt of a copy of this order, along with a copy of this order.

(ii) On receipt of the same, the respondent is directed to conduct enquiry on the said complaint, and upon enquiry, if materials are gathered indicating commission of any cognizable offence, then the second respondent is directed to proceed further in accordance with law, as early as possible.

(iii) In the event of the respondent comes to the conclusion that the dispute is purely civil in nature, he can advise the parties to approach the civil Court.

6. The criminal original petition is disposed of accordingly.

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Sd/
ASSISTANT REGISTRAR (CO)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

sbi

To

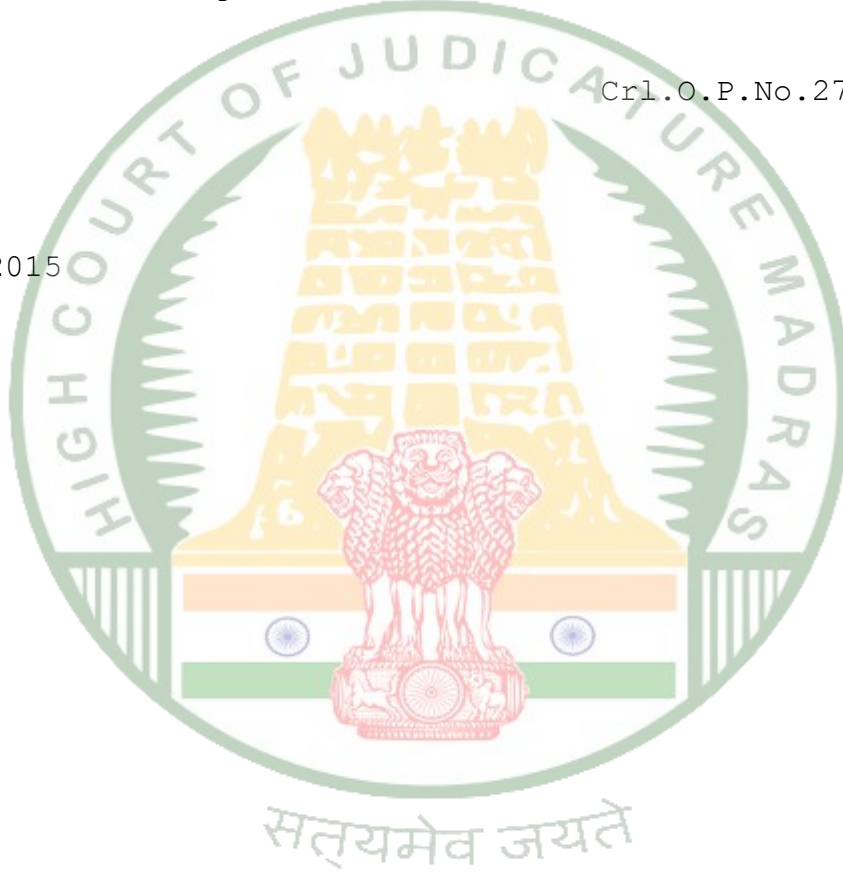
1.The Sub Inspector of Police,
Kotar Police Station,
Vikravandi Taluk,
Villupuram District.

2.The Public Prosecutor,
High Court, Madras.

+1 CC to MR.K.Gajendiran Advocate. SR.NO. 61254

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CO-GJ
JD 15/12/2015



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