

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2015

CORAM:

THE HON'BLE MR.JUSTICE R.SUBBIAH

Crl.O.P.No.28147 of 2015

Mr.Saleth

... Petitioner

Vs.

The State rep. by
Inspector of Police,
P-2, Spicot Police Station,
Gummidipoondi,
Thiruvallore District.

... Respondent

Prayer: Petition filed under Section 482 of the Criminal Procedure Code praying to direct the respondent-Police to register the case on the petitioner's complaint dated 12.11.2015 as against the accused person for proper and fair investigation.

For Petitioner :M/s.Sai Bharathi and Ilan

For Respondent :Mr.C.Emalias, APP

ORDER

This petition has been filed seeking to direct the respondent-Police to register a case on the basis of the complaint dated 12.11.2015 given by the petitioner and to investigate the same in accordance with law.

2.In the petition, it is stated that the land measuring 2.42 acres situated in Survey No.16, part of Survey No.17, part of Survey No.25, part of Survey No.28 and part of Survey No.29 in Gummidipoondi Village, Thiruvallur District was allotted to the petitioner, for a period of 96 years, under the Lease Deed dated 14.09.2009 vide Document No.2836 of 2009. The said property was originally allotted to one M/s.Rohini Cables and subsequently re-allotted to the petitioner. From the date of allotment, the possession of the property was handed over to the petitioner and he constructed a factory. While being so, the accused is

claiming easementary right of passage and without having any right, he filed a suit in O.S.No.53 of 2015. While so, on 07.11.2015, when the construction was going on, the accused and his henchmen came to the place and completely demolished the construction and damaged the steel gate and other construction materials. Hence, the petitioner lodged a complaint before the respondent-Police on 12.11.2015 and based on which, CSR No.206 of 2015 has been assigned, but no action was taken on the said complaint. Hence, the petitioner has come up with the present petition.

3.Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

4.Considering the facts and circumstances of the case, this Court directs the respondent-Police to conduct an enquiry in CSR.No.206 of 2015 and if a prima facie case is made, the respondent is directed to register a case and proceed further in accordance with law, as early as possible.

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

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

1.The Sub-Inspector of Police,
P-2 Spicot Police Station,
Gummiddipoondi,

Thiruvallore District.

2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.Sai Bharath, Advocate sr.63658

ev[col]
srg 26/11/2015

CrI.O.P.No.28147 of 2015

23.11.2015



WEB COPY