

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.11.2015

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

Cr1.O.P.No.28190 of 2015

P.Munusamy

.. Petitioner

..VS..

1. The Inspector of Police
Sangarapuram Police Station
Villupuram District

2.The Superintendent of Police
Villupuram
Villupuram District

..Respondents

Criminal Original Petition filed under Section 482 Cr.P.C.,
to direct the first respondent to register a case based on the
complaint dated 17.10.2015 lodged by the petitioner.

For Petitioner : Mr.Y.Arul Manickam

For Respondents: Mr.Emalias
Additional Public Prosecutor

O R D E R

The present petition has been filed seeking a direction to
the first respondent to register a case based on the complaint
lodged by the petitioner dated 17.10.2015.

2. The petitioner herein has lodged a complaint as against
his tenant.

3. The case of the petitioner is that he purchased a
property measuring about 1320 sq.ft and constructed a building
thereon. His sister Pachaammal was permitted to occupy one
portion of the premises for monthly rent of Rs.500/-. The said
Pachaammal failed to pay the rent for sometime. Hence, the
petitioner was constrained to file a police complaint on
17.04.2010. However, FIR was not registered. Hence, the
petitioner filed a petition before this Court in
Cr1.O.P.No.21046 of 2012. Though order was passed on
15.11.2012, no action was taken by the respondent police under

the excuse that a civil suit in O.S.No.71 of 2010 filed by the said Pachaiammal was pending before District Munsif Court, Sankarapuram. Though the said suit was dismissed by the learned Magistrate, Pachaiammal and her husband refused to vacate the premises. In the year 2015, the petitioner and his wife requested Pachaiammal to vacate the house since she swindled the amounts collected from other tenants. At the end of first respondent's enquiry on C.S.R.No.140/2015 issued to the complaint lodged by the petitioner, the said Pachaiammal and her husband gave an undertaking to vacate the premises in 15 days. While so, on 16.10.2015, when the petitioner and his wife were staying in one of the portions in the said premises, at the instigation of Pachaiammal and Natarajan, the tenants in the premises joined together and assaulted them. Again a complaint was lodged on 17.10.2015 and the same was registered in C.S.R.No.162 of 2015. Though the said complaint was lodged on 17.10.2015, so far no action has been taken by the respondents. Hence, the petitioner came forward to file this petition.

4. Today, when the matter is taken up for consideration, the learned Additional Public Prosecutor submitted that on receipt of the complaint, enquiry was conducted and the same was closed as the petitioner has not appeared for enquiry.

5. The learned counsel for the petitioner denies the same.

6. Since the complaint has already been closed, this Court cannot give any specific direction. Hence, recording the submission of the Additional Public Prosecutor, this petition is closed. However, the petitioner is at liberty to work out his remedy under Section 156(3) Cr.P.C.

Sd/-
Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

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To

1. The Inspector of Police
Sangarapuram Police Station
Villupuram District
2. The Superintendent of Police
Villupuram
Villupuram District
3. The Public Prosecutor
Madras High Court
Chennai

+1 cc to M/s.Y.Arulmanickam, Advocate, sr.63496

sai co, kra 10.12.2015

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