

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.11.2015

CORAM:

THE HON'BLE Mr.JUSTICE R.SUBBIAH

Crl.O.P.No.28258 of 2015

Rakkiannan

... Petitioner

Vs.

1.The Superintendent of Police,
O/o.The Superintendent of Police,
Erode District.

2.The Inspector of Police,
Land Grabbing Cell,
Erode District,
Erode.

3.The President
Polanaickenpalayam Panchayat,
Pappanpalayam Post
Thingalur Via,
Erode District - 638 055.

(R3 - impleaded as per the order of
this Court dated 30.11.2015 made in
Crl.O.P.No.28258 of 2015)

... Respondents

Prayer :

Criminal Original Petition filed under Section 482 of the Code
of Criminal Procedure, praying to direct the second respondent herein
to register a case based on the petitioner's representation dated
20.07.2015.

For Petitioner : Mr.S.Kaithamalai Kumaran

For Respondents : Mr.C.Emalias for R1 and R2
Additional Public Prosecutor
Mr.L.Baskaran for R3

ORDER

This petition is filed for a direction to the second respondent
herein to register a case based on the petitioner's representation
dated 20.07.2015.

2.In the petition it has been stated that the petitioner herein

owns land both ancestrally and by way of purchase in Survey No.18, 19 and 20 of Pola naickenpalayam, Perundurai Taluk, Erode District. The petitioner along with his brother Chenniappan filed O.S.No.158 of 2006 before the District Munsif Court, Perundurai for partition and after decree they filed E.P.No.9 of 2012 and on 17.04.2012, they were allotted separate shares and were enjoying the lands by raising crops. Whiles, on 07.05.2015 one T.P.Somasundram and 10 others trespassed into the petitioner's lands with an intention to give trouble to the petitioner.

3.It is further stated that the father of T.P.Somasundram tried to lay road with the help of JCB and in the said process the petitioner's land to an extent of 2 feet and 40 feet was damaged. When this was questioned by the petitioner, they abused the petitioner using filthy language. Hence, this occurrence was formally complained to the first respondent, but no action was taken. Whiles, on 18.07.2015 at about 2 p.m., the said 10 persons arrived with deadly weapons, entered into the petitioner's property abused the petitioner in filthy language and damaged the property owned by the petitioner and also tried to set fire on the residential house of the petitioner and also removed the stones fixed as boundary. Hence, the petitioner lodged a complaint on 20.07.2015, but till date no action was taken. Hence this petition.

4.Today, when the matter is taken up for consideration, the learned Additional Public Prosecutor submitted that after enquiry, the complaint was closed as the dispute between the parties is only a civil dispute and only in order to give criminal colour, the complaint has been lodged with allegation of being threatened and thus strongly opposed to grant direction.

5.Considering the submissions made by the learned Additional Public Prosecutor, since already the complaint is closed, this Court cannot give any direction as prayed for and hence, this Criminal Original Petition is dismissed. However, the petitioner is at liberty to work out his remedy in the manner known to law.

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ASSISTANT REGISTRAR

/ TRUE COPY /

Sub-Assistant Registrar

To

1.The Superintendent of Police,
O/o.The Superintendent of Police,
Erode District.

2.The Inspector of Police,
Land Grabbing Cell,
Erode District, Erode.

3.The President
Polanaickenpalayam Panchayat,
Pappanpalayam Post
Thingalur Via,
Erode District - 638 055.

4.The Public Prosecutor
High Court, Madras.

+1 cc to MR.A.K.KUMARASAMY Advocate SR.NO. 65032/2015.

+1 cc to MR.D.BALACHANDRAN Advocate SR.NO. 65105/2015.

Crl.O.P.No.28258 of 2015

SR.[co]

RD 29/12/2015



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