IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2015

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THE HONOURABLE MR. JUSTICE R.SUBBIAH

Crl.O.P.No.28339 of 2015

M. Madhan ... Petitioner

Vs

The State, by;
The Inspector of Police,
M-7, Manali Pudunagar Police Station,
Chennai 600 103. ... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. seeking a direction to the respondent to register a case on the basis of the petitioner's complaint dated 18.09.2015 and investigate the same and proceed with the same as per law within a time frame fixed by this Court.

For Petitioner : Mr.J. Kannan

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

O R D E R

The present criminal original petition has been filed seeking a direction to the respondent to register a case on the basis of the petitioner's complaint dated 18.09.2015 and investigate the same and proceed with the same as per law within a time frame fixed by this Court.

2. It is the case of the petitioner that the petitioner is residing in his ancestral property situate at Surve Nos.141/4, 141/5 and 141/6 in Vichoor Village, Ponneri Taluk, Thiruvallur District. In the circumstances, one Devaraj claims that he had purchased the entire property from petitioner's father and in this connection, the petitioner filed a suit in O.S.No.197 of 2015 before the Sub Court, Ponneri as against his father and the said Devaraj and the same is pending.

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3. Whileso, on 18.9.2015 at 11.30 a.m., the Managing Director of M/s.Satva Vichoor CFS Company along with 20 lorries of rubbish and henchmen armed with deadly weapons, trespassed into the agricultural land of petitioner and piled up the said lands with said rubbish. When the petitioner questioned the same, the said Managing Director abused the petitioner in filthy language and also threatened him with dire consequences. Hence the petitioner immediately lodged a police complaint with the respondent police.

4. Learned counsel for petitioner submitted that though the complaint was lodged on 18.09.2015, which reveals cognizable offences under section 147, 148, 294(b), 447 and 506(ii) IPC, till date, the respondent police has not registered a case on his complaint. Hence, the present criminal original petition has been filed.

5. Learned Additional Public Prosecutor submitted that the matter appears to be purely civil in nature and in order to give criminal colour, the allegation of being threatened was purposely introduced in the complaint. Thus he opposed for granting direction.

6. I have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

7. However, irrespective of the submissions made on either side, this Court is inclined to pass the following order: The 2nd respondent is directed to conduct an enquiry on the complaint dated 18.09.2015 given by the petitioner, if enquiry was not conducted so far. upon enquiry, if materials are gathered indicating any cognizable offence, the respondent shall proceed further in accordance with law as early as possible. If no prima facie case is made out for investigation, the respondent is directed to pass appropriate order on the complaint.

8. This criminal original petition is disposed of accordingly.

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-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

msr

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To

1.The Inspector of Police,
M-7, Manali Pudunagar Police Station,
Chennai 600 103.

2. The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.Kannan Advocate sr.63997

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