

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.28381 of 2015

C. Vasanthi

... Petitioner

Vs

1. The Superintendent of Police,
Dharmapuri District,
Dharmapuri.

2. The Inspector of Police,
Adiyaman Kottai Police Station,
Dharmapuri District

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. seeking a direction to the 2nd respondent to register a case based on the complaint dated 14.11.2015 in C.S.R.No.360 of 2015 dated 15.11.2015 on the file of the 2nd respondent and to file a final report by conducting investigation.

For Petitioner : Mr.C. Prabakaran
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 2nd respondent to register a case based on the complaint dated 14.11.2015 in C.S.R.No.360 of 2015 dated 15.11.2015 on the file of the 2nd respondent and to file a final report by conducting investigation.

2. In the petition, it has been stated that the petitioner and her husband were residing in their ancestral property by constructing a house for the past 30 years and they have been in possession and enjoyment of the pathway and other properties based on the partition effected 40 years ago among the joint family property of her husband. The adjacent land owner of the petitioner is brother of petitioner's father. Whiles, one V. Mani, Kamala, V.Veeramani and V. Thavamani along with their relative Narasimman, Mani and Kannammal who are the relatives of the adjacent land owner of the petitioner, joined

together and obstructed the pathway by dumping tress and thorn bushes and thereby closed the pathway leading to the petitioner's house. When the petitioner questioned about the above said act of the above stated persons, they have threatened the petitioner with dire consequences with deadly weapons stating that the petitioner and her family should vacate the above said place. Hence the petitioner has given a complaint before the 2nd respondent on 15.11.2015 against the above said persons and on receipt of the complaint, C.S.R.No.360 of 2015 has been assigned, but till now, the respondents have failed to take any action.

3. Learned counsel for petitioner submitted that though the complaint was lodged on 15.11.2015 and the same has been assigned in C.S.R.No.360 of 2015, till date, the respondent police has not registered any case on her complaint. Hence, the present criminal original petition has been filed.

4. Learned Additional Public Prosecutor submitted that the matter appears to be a civil dispute between the parties with regard to a pathway and only in order to give a criminal colour, the allegation of being threatened was purposely introduced in the complaint. Hence he opposed for granting direction.

5. However, learned counsel for the petitioner denies the same and submitted that there was an allegation of threatening.

6. I have heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent.

7. Irrespective of the submissions made on both sides, this Court directs the respondent to conduct enquiry on the complaint of the petitioner dated 15.11.2015, with regard to the allegation of being threatened and 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.

msr

s/d-
Assistant Registrar (CS-V)

True Copy

Sub-Assistant Registrar

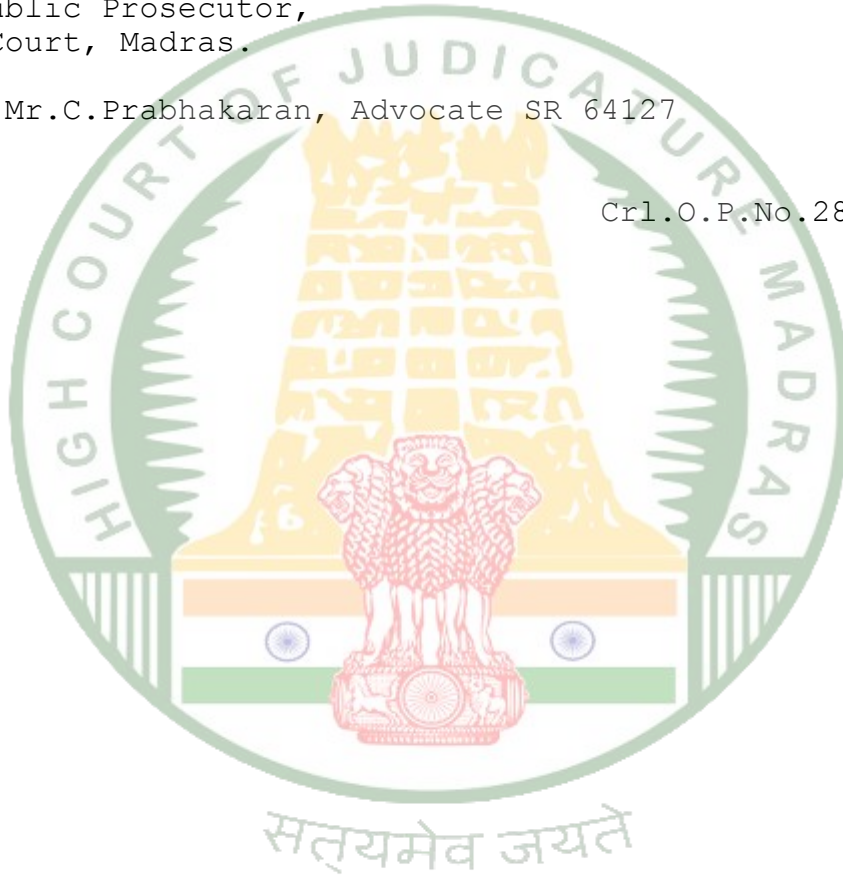
To

1. The Superintendent of Police,
Dharmapuri District,
Dharmapuri.
2. The Inspector of Police,
Adiyaman Kottai Police Station,
Dharmapuri District
3. The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.C.Prabhakaran, Advocate SR 64127

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