

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:25.11.2015

CORAM:

THE HON'BLE Mr.JUSTICE R.SUBBIAH

CrI.O.P.No.28383 of 2015

P.Prem Sahi

... Petitioner

Vs.

1. State Rep by
The Commissioner of Police,
Greater Chennai Police,
Chennai.

2. The Assistant Commissioner of Police,
Mylapore Range,
Chennai

3. The Inspector of Police,
E-1, Mylapore Police Station,
Chennai 600 004.

... Respondents

Prayer :

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to direct the third respondent police to register the FIR based on the complaint dated 07.07.2015 having CSR.No.1157 of 2015 dated 09.07.2015 pending before the third respondent, within the time frame fixed by this Hon'ble Court.

For Petitioner : Mr.J.T.Rajasuriya

For Respondent : Mr.C.Emalias
Additional Public Prosecutor

ORDER

This petition is filed for a direction to the third respondent police to register the FIR based on the complaint dated 07.07.2015 in CSR.No.1157 of 2015 dated 09.07.2015.

2. The petitioner has lodged a complaint before the 3rd respondent stating that he is a tenant under one S.Ravichandran and he entered 11 month rental agreement with him and paid Rs.50,000/- as advance and has been paying Rs.6000/- as monthly rent. In the circumstances, on 7.7.2015, when the petitioner was away from his native place, one Vijayakumar, Dhanapal, Vinodh, Shalini and Geethalakshmi and others who are

the brothers and sister of his house owner had unauthorisedly trespassed into his house by breaking open the lock and ransacked his belongings apart from robbing a cash of Rs.6,000/-. The petitioner having learnt about the incident, rushed to Chennai from his native place and gave complaint to 3rd respondent on 09.07.2015. The 3rd respondent, on receipt of complaint, assigned CSR.No.1157 of 2015. Though the said complaint was received on 9.7.2015 and CSR No.1157 of 2015 has been assigned, till date, no action was taken by the 3rd respondent to register the complaint. Hence this petition.

3. Learned Additional Public Prosecutor submitted that the matter appears to be a civil dispute in respect of partition between the petitioner's house owner and his brothers and sister.

4.I have heard the learned counsel appearing for the petitioner as well as the learned Additional Public Prosecutor.

5.In view of the submissions made on either side, this Court is of the opinion that it is appropriate to direct the 3rd respondent to conduct enquiry on the complaint given by the petitioner which has been assigned C.S.R.No.1157 of 2015 and upon enquiry, if materials are gathered indicating commission of any cognizable offence, he is directed to proceed further in accordance with law, as early as possible.

6.With the above directions, the Criminal Original Petition is disposed of.
msr/srn

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

- 1.The Commissioner of Police,
Greater Chennai Police, Chennai.
 2. The Assistant Commissioner of Police,
Mylapore Range, Chennai
 3. The Inspector of Police, E-1, Mylapore Police Station,
Chennai 600 004.
 - 4.The Public Prosecutor, High Court, Madras.
- + 1 cc to Mr.J.T.Rajasuriya, Advocate Sr 64237.

KR/15/12

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