

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.11.2015

CORAM:

THE HON'BLE Mr.JUSTICE R.SUBBIAH

CrI.O.P.No.28384 of 2015

S.Ravichandran

... 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 600 073

... 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.1605 of 2015 dated 08.10.2015 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 07.10.2015 in CSR.No.1605 of 2015 dated 08.10.2015.

2. The Petitioner has lodged a complaint stating that the petitioner is residing at a house property comprising about six portions, which was in the name of petitioner's father. The Petitioner is having three brothers viz., S.Vijayakumar, S.Anandan and S.Dhanapalan. The Petitioner took care of his father till his death. The petitioner is occupying one portion

in the ground floor and was collecting the rents in respect of other portions let out to the tenants. Whiles, dispute arose between the petitioner and his brothers and sister in respect of partition of properties and in this connection, a suit in O.S.9217 of 2011 is also pending before the VI Assistant City Civil Court, Chennai for partition. In the stated circumstances on 07.07.2015, the brothers of the Petitioner Viz., Vijayakumar, Dhanapal, Vinoth, sister viz., Shalini unauthorisedly trespassed in to the portion let out by the petitioner to his tenant, one Premshahib and in respect of that, the Petitioner lodged a complaint, which is pending till date. Further, on 07.10.2015, the above said persons along with their henchmen criminally trespassed in to his tenant's house by breaking open the lock and damaged his articles. When the Petitioner questioned the same, they damaged the CC TV camera belonging to the petitioner and also threatened him and his wife with dire consequences. Hence he lodged complaint before the respondent police and on receipt of the same, CSR.NO.1605 of 2015 has been assigned. But till date, no action has been by the respondent police, hence the Petitioner is before this Court.

3. Learned Additional Government Pleader submitted that the dispute is purely civil in nature and in order to give criminal colour, allegation of being threatened is purposely introduced in the complaint.

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 respondent to conduct enquiry on the complaint given by the petitioner which has been assigned C.S.R.No.1605 of 2015 and upon enquiry, if materials are gathered indicating commission of any cognizable offence, 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.

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-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

msr/srn

To
The Commissioner of Police,
Greater Chennai Police,
Chennai.

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

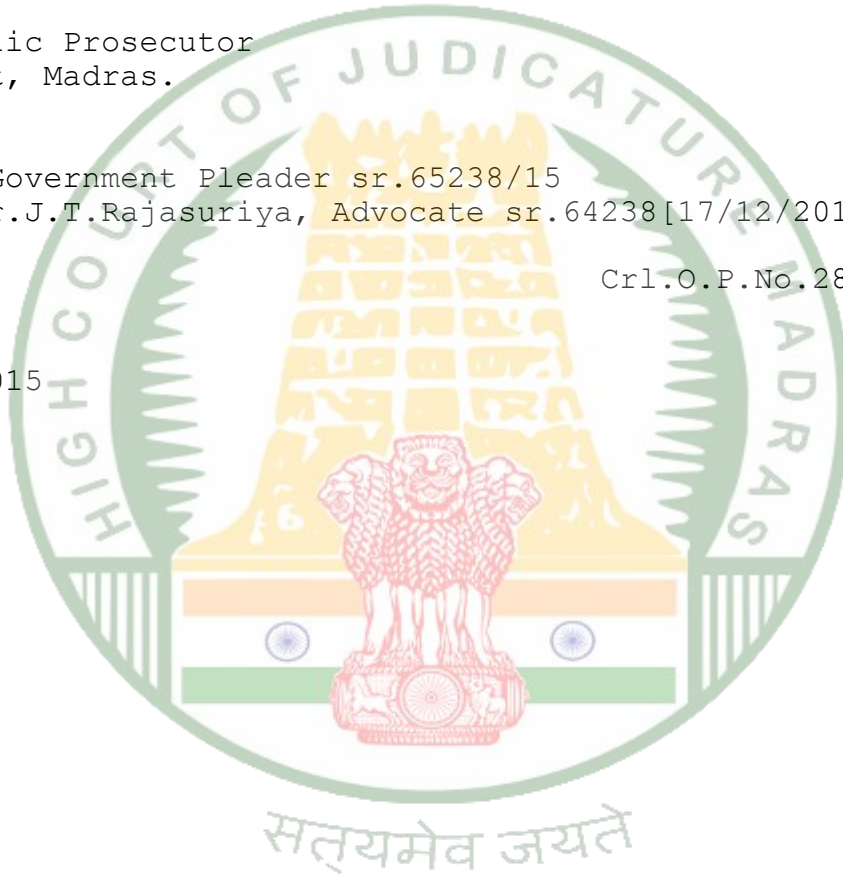
3. The Inspector of Police,
E-1, Mylapore Police Station,
Chennai 600 073

4.The Public Prosecutor
High Court, Madras.

+1 cc to Government Pleader sr.65238/15
+1cc to Mr.J.T.Rajasuriya, Advocate sr.64238[17/12/2015]

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