

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.11.2015

CORAM:

THE HON'BLE Mr.JUSTICE R.SUBBIAH

Crl.O.P.No.28388 of 2015

K.Ravi

...Petitioner

Vs.

The Inspector of Police,
Pallikaranai Police Station,
Pallikaranai,
Chennai 600 100

...Respondent

Prayer :

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to direct the respondent police to register a case on the petitioner's complaint dated 18.11.2015 and to file a final report in accordance with law.

For Petitioner : Mr.P.Krishnan

For Respondent : Mr.C.Emalias
Additional Public Prosecutor

ORDER

This petition has been filed seeking a direction to the respondent police to register a case on the complaint given by the petitioner dated 18.11.2015.

2. It is the case of the petitioner that his father namely Kannappa Chettiyar had purchased the property situated at Pallikaranai Village in Survey No.135 to an extent of 1.62 acres under a registered sale deed bearing Document No.1813 of 1957 dated 09.07.1957 on the file of the SRO., Saidapet, Chennai and from the date of purchase, the petitioner was in possession and enjoyment of the property and constructed a building house and rice mill over the same. The said Kannappa Chettiyar died on 09.04.2004 leaving behind the petitioner herein, two brothers and sister as legal heirs. While so, the cousin brothers and sisters of the petitioner namely Palanivel, S/o.K.R.Vedachala

Chettiyar and others had filed a suit for partition before the Sub Court, Poonamallee against the petitioner's father and the said suit was transferred to Sub Court, Chengelpet, thereafter, it was transferred to Sub Court, Tambaram and finally, it was transferred to Alandur District Munsif Court and the same is pending in O.S.No.463 of 2003.

3. He further submitted that whileso, on 18.02.2014, one Palanivelu, Soundararajan, who are cousin brothers of petitioner and others attempted to trespass into the petitioner's property, for which the petitioner lodged a complaint before the respondent police on 18.02.2014 and on receipt of the same, C.S.R.No.72 of 2014 was assigned. The said Palanivelu also lodged a complaint dated 18.02.2014 against the petitioner before the respondent in C.S.R.No.71 of 2014. Both the complaints were closed in view of the undertaking given by the said Palanivelu on 22.02.2014 that he will get remedy before the Civil Court by filing the execution petition to take possession as per the ex-parte decree. Again on 22.03.2015, a complaint was lodged before the respondent police against the said Palanivelu and others and subsequently Crime No.549 of 2014 has been registered. When the said Palanivelu once again attempted to trespass into the property, a complaint was lodged before the respondent in C.S.R.No.516 of 2015. The said Palanivelu had lodged a complaint on 16.12.2014 before the Assistant Engineer, Operation and Maintenance, Tamilnadu Electricity Board, Pallikaranai, Chennai to disconnect the electricity connection standing in the petitioner's name, based on which, the E.B. officials issued a letter calling upon the petitioner to shift the E.B. connection from the petitioner's name to some other place. For that the petitioner sent a reply to the said letter calling upon the E.B. officials to furnish the application submitted by the said Palanivelu along with documents to issue suitable reply and on receipt of the same, the Assistant Engineer dropped further proceedings to initiate action on Palanivelu's complaint dated 16.12.2014.

4. It is his further case that the petitioner was in possession of the property and stored his materials and also leased out a portion of the property to a tenant. In the circumstances, on 18.11.2015, the said Palanivelu and his brother Soundararajan and others attempted to trespass into the property along with JCB at 3.00 p.m., and immediately when they came to know that police is coming, they ran away from the scene of occurrence. The petitioner took photographs of the said act of Palanivelu and others through his mobile. Again on the same day at 4.30 p.m., the said Palanivelu and his brother brought 20

rowdy elements along with deadly weapons and attempted to trespass into the property and damaged the hut belonging to the petitioner's family. Thus, the above said persons, in order to take forceful possession of the property from the petitioner and his family members, again and again threatening the petitioner and his family members by engaging goondas and also with dire consequences. Hence the petitioner lodged a complaint before the respondent on 18.1.2015 and on receipt of the same, the respondent issued CSR No.971 of 2015.

5. Learned counsel for the petitioner submitted that though the complaint has been assigned in C.S.R.No.971 of 2015, till date no action has been taken. Hence, the present petition came to be filed.

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

7. In view of the submissions made on either side, this Court directs the respondent to conduct enquiry on the complaint given by the petitioner which has been assigned C.S.R.No.971 of 2015 and upon enquiry, if materials are gathered indicating commission of any cognizable offence, the respondent is directed to proceed further in accordance with law, as early as possible.

8. With the above directions, the Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

msr/srn

To

1. The Inspector of Police,
Pallikaranai Police Station,
Pallikaranai,
Chennai 600 100

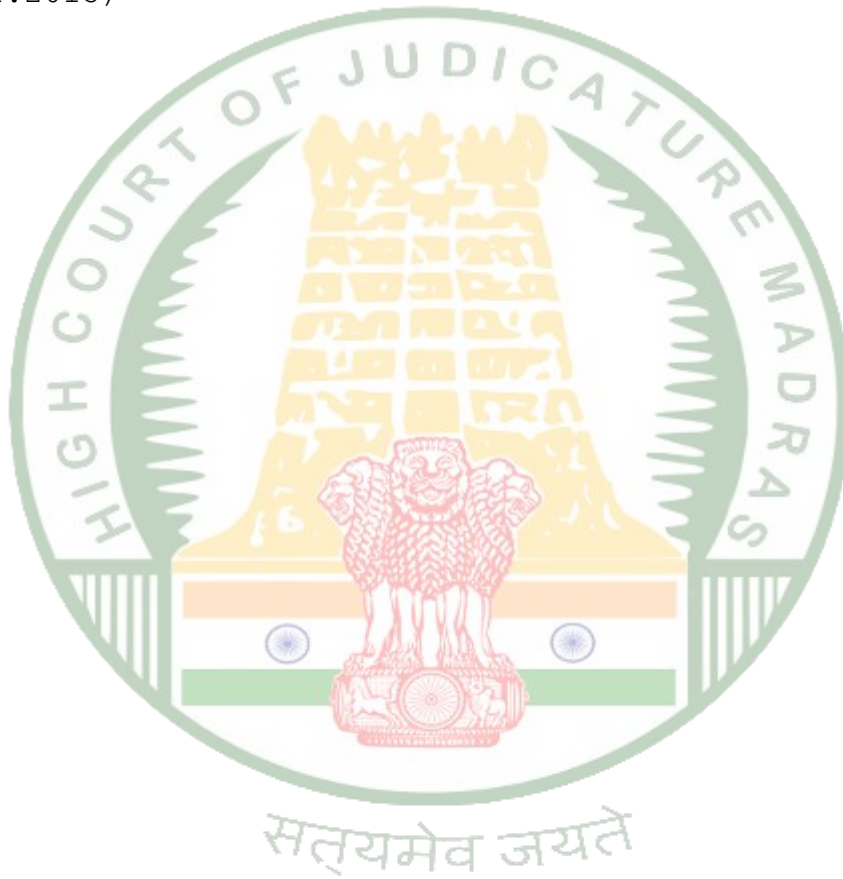
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2. The Public Prosecutor
High Court, Madras.

1 CC to Mr.P.Krishnan, Advocate SR.No. 64058

CrI.O.P.No.28388 of 2015

TEJ (CO)
PSI (27.11.2015)



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