

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.28393 of 2015

K.Rajendran

.. Petitioner

Vs

The Inspector of Police (L&O)
Palacode Police Station,
Dharmapuri District

.... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. seeking a direction to the respondent to register F.I.R., pursuant to the complaint dated 23.10.2015 lodged by the petitioner in C.S.R.No.453/2015 and take necessary action and proceed against the accused in accordance with law.

For Petitioner : Mr.J.Karthikeyan

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 F.I.R., pursuant to the complaint dated 23.10.2015 lodged by the petitioner in C.S.R.No.453/2015 and take necessary action and proceed against the accused in accordance with law.

2. In the petition, it is stated that the petitioner has purchased 9000 sq.ft.from Dr.P.K.Rajkumar and Dr.P.K. Saravaran and Dr.P.K. Ganesh by a registered document and after purchasing the said land, he applied before the Tahsildar, Palacode for issuance of separate patta in his favour. While so, one P.G. Murugesan @ Vettu Murugesan who is a purchaser of 0.39 cents in S.No.605/2B trespassed into the petitioner's property by fencing the land including petitioner's property. Since the said Murugesan is a history sheeted rowdy and a notorious criminal, the petitioner is not able to enter his property. When the petitioner tried at his level best to convince the said Murugesan to remove the fencing put on his encroached property, he abused the

petitioner in filthy language and also threatened him with dire consequences, due to which reason, the petitioner is not able to enter even to his own property till now. Hence he lodged a complaint against the said Murugesan on 23.10.2015 before the respondent police, and upon receipt of said complaint, though C.S.R.No.453 of 2015 has been assigned, till date, no action was taken by the respondent police. Hence this petition.

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

4. Learned counsel for the petitioner denies the same and submitted that the counter petitioner is a rowdy element and he has threatened the petitioner with dire consequences, hence a complaint has been lodged.

5. From the facts and circumstances of the case, I find that the complaint lodged by the petitioner has been assigned CSR Number as C.S.R.No.453 of 2015. Hence, irrespective of the submissions made on both sides, I direct the 1st respondent to conduct enquiry in C.S.R.No.453 of 2015 only with regard to the allegation of being threatened and dispose of the same on merits and in accordance with law, as early as possible.

6. The criminal original petition is disposed of accordingly.
msr

s/d-
Assistant Registrar (CCC)

True Copy

Sub-Assistant Registrar

To

1. The Inspector of Police, (L&O)
Palacode Police Station,
Dharmapuri District.
2. The Public Prosecutor,
High Court, Madras.

+ 1 cc to M/s.J.Karthikeyan, Advocate SR 64529

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prk16/12

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