

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 26.11.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.28518 of 2015

Syed Ali

... Petitioner

Vs

The State rep by
Inspector of Police,
T-12, Poonamallee Police Station,
Chennai-56, Chennai Sub Urban.

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. seeking direction to the respondent to register the complaint dated 29/10/2015 under Section 294 (b), 339, 441, 506 (ii) of I.P.C.

For Petitioner : Mr.R.Balakrishnan

For Respondent : Mr.C.Emalias, APP

ORDER

The present criminal original petition has been filed seeking direction to the respondent to register the petitioner's complaint dated 29/10/2015 under Section 294 (b), 339, 441, 506 (ii) of I.P.C.

2. The petitioner herein is owning land property measuring 486 sq.ft. in old survey No.128, new survey No.128/36, patta No.38 at Poonamallee, Thiruvallur District, in which, he constructed a house consisting ground and first floor, each bearing 400 sq.ft. On 16.07.2014, the petitioner transferred the said property in favour of his wife Nasima Banu. The counter petitioner Egavalli, her husband Chinnathambi and their son-in-law Lawrence tried to grab the petitioner's property, entered into the house and wrongfully restrained the way. When the petitioner questioned the same, he was abused and threatened by them with dire consequences. Hence, the petitioner lodged a complaint on 29.10.2015. On receipt of the said complaint, CSR has been assigned by the respondent police in CSR No.761 of

2015. Till date, no action has been taken on the said complaint. Hence, the present criminal original petition has been filed.

3. Learned Additional Public Prosecutor appearing for the respondent submitted that the allegation is a civil dispute and thus, he opposed to grant direction.

4. Learned counsel for the petitioner denies the submissions of the learned Additional Public Prosecutor and submitted that there is a specific allegation of threat in the complaint and hence, sought for a direction.

5. Irrespective of the said submissions made on either side, this Court directs the respondent police to enquire into the complaint in CSR.No.761 of 2015 and proceed further in accordance with law, as early as possible. If no prima facie case has been made out, the respondent police is directed to pass appropriate orders on the said complaint.

This criminal original petition is disposed of accordingly.

gya

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

To

1.The Inspector of Police,
T-12, Poonamallee Police Station,
Chennai-56, Chennai Sub Urban.

2.The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.R.Balakrishnan, Advocate SR 64269

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