

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 26.11.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

CRL.O.P.No.28534 of 2015

A.KRISHNAN

... PETITIONER

Vs

1 THE SUPERINTENDENT OF POLICE
NAMAKKAL DISTRICT NAMAKKAL.

2 THE DEPUTY SUPERINTENDENT OF POLICE
RASIPURAM NAMAKKAL DISTRICT.

3 THE INSPECTOR OF POLICE
NAMAGIRIPETTAI POLICE STATION
NAMAKKAL DISTRICT.

... RESPONDENTS

Criminal Original Petition filed under Section 482 Cr.P.C. seeking direction to the 3rd Respondent herein to form a Special Team to conduct the investigation as far as the Petitioner complaint dated 11.10.2015 (CSR. NO. 271/2015) pending on the file of the 3rd Respondent herein under the supervision of the 2nd Respondent herein and register the First Information Report.

For Petitioner : Mr.P.Gurunathan

For Respondents : Mr.C.Emalias, APP

O R D E R

This criminal original petition has been filed seeking direction to the 3rd respondent herein to form a Special Team to conduct the investigation on the Petitioner complaint dated 11.10.2015 in CSR.No.271/2015 under the supervision of the 2nd respondent herein and register FIR.

2. The petitioner herein is a resident of Vadugammuniyappampalayam Post, Rasipuram Taluk, Namakkal District, who is owning 0.51acre agricultural land in survey No.388/7A, Patanam Village with motor pump along with a well. The petitioner was in possession of the said land for a long time. Subsequently, the petitioner came to know that the counter petitioners namely, Pachamuthu, Shanmugam, Jaganathan

and Krishnaveni have entered into a partition deed among themselves and in the said partition deed, they have also included well and motor pump situated in the property of the petitioner. Hence, the petitioner lodged a complaint on 11.10.2015. On receipt of the said complaint, CSR has been assigned in CSR.No.271 of 2015 by the respondent police. 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 respondents submitted that it is a civil dispute and the petitioner has to workout his remedy before the civil court and thus, he opposed to give a direction.

4. Considering the submissions made on either side, this Court is of the opinion that it is appropriate to direct the 3rd respondent police to enquire in to the petitioner's complaint in CSR.No.271 of 2015 and proceed further in accordance with law, as early as possible. During the course of enquiry, if the 3rd respondent comes to a conclusion that the matter is civil in nature, he may advise the party to approach the civil Court.

The criminal original petition is disposed of accordingly.

gya

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

To

1 THE SUPERINTENDENT OF POLICE
NAMAKKAL DISTRICT NAMAKKAL.

2 THE DEPUTY SUPERINTENDENT OF POLICE
RASIPURAM NAMAKKAL DISTRICT.

3 THE INSPECTOR OF POLICE
NAMAGIRIPETTAI POLICE STATION
NAMAKKAL DISTRICT.

4. THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+ 1 cc to Mr.P.Gurunathan, Advocate SR 65035

kk(co)
prk16/12

Cr1.O.P.No.28534 of 2015