

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2015

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THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.28596 of 2015

Zareena begum

... Petitioner

Vs

State by

The Inspector of police,
F-4, Thousand Light Police Station,
Chennai 600 006

.... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. seeking a direction to the respondent police to register the complaint dated 14.11.2015 made by the petitioner to the respondent.

For Petitioner : Mr.T.G.Ravichandrran
For Respondent : Mr.C.Emalias,
Additional Public Prosecutor.

ORDER

The present criminal original petition has been filed seeking a direction to the respondent Police to register a case based on the complaint of the petitioner dated 14.11.2015.

2.It is seen that the petitioner is residing at No.16/33, Begum Shahib 1st street, Mackeys Garden, Chennai for several years with her family. The petitioner's adjacent property on the north side was originally allotted for road by the Corporation of Chennai, which was encroached by Ponmalar Selvi and Muthuraj. They made an attempt to build a construction by clearing old encroachment, without following any procedures, which caused damage to the petitioner's building. When the petitioner and her son questioned the above said illegal activities, the above said Ponmalar Selvi and Muthuraj along with their rowdy elements abused the petitioner and her son in filthy language and also assaulted them by using deadly weapons like, hammer, iron rod. Hence, the petitioner has lodged a

complaint on 14.11.2015. But till date, no action was taken by the respondent. Therefore, the petitioner has filed the present criminal original petition.

3. The learned Additional Public Prosecutor has vehemently opposed to grant direction stating that it is purely civil dispute and the petitioner has given criminal colour by introducing the allegation of being threatened. But, the learned counsel for the petitioner denies the same and thus, sought for direction.

4. In view of the submissions made on either side and considering the allegations of threat, this Court is of the view that the respondent police is directed to conduct enquiry only with regard to the allegation of threat by the counter petitioner and upon enquiry, if materials are gathered indicating commission of any cognizable offence, he is directed to proceed further in accordance with law. During the course of enquiry, the respondent comes to the conclusion that the matter is purely civil in nature, he may pass an appropriate order in accordance with law.

5. This criminal original petition is disposed of accordingly.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1.The Inspector of police,
F-4, Thousand Light Police Station,
Chennai 600 006

2.The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.T.G.Ravichandran Advocate sr.64700

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