

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Crl.O.P.No.28659 of 2015

Susheela

... Petitioner

..Vs..

State rep. By

1. The Inspector of Police,
Nagapattinam Town Police Station,
Nagapattinam.

2. The Superintendent of Police,
Nagapattinam District,
Nagapattinam.

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. seeking a direction to the respondents to register and investigate the complaint dated 20.11.2015 on the file of the respondent police.

For Petitioner : Mr.P.Ayyaswamy
For Respondents : Mr.C.Emalias,
Addl. Public Prosecutor

ORDER

The present Criminal Original Petition has been filed seeking a direction to the respondents to register and investigate the petitioner's complaint dated 20.11.2015 on the file of the respondent police.

2. It is the case of the petitioner that she is in lawful occupation of the premises at No.10, Perumal North Street, Nagapattinam Town, for more than 50 years and the land over the superstructure is built belongs to the Government. The claim of the petitioner is the subject matter of Second Appeal No.473 of 2007 before this Court. The petitioner's husband died subsequent to the admission of the above Second Appeal. While so, Arulmighu Nellukkadai Mariamman Temple, represented by its Hereditary Trustee Mr.Thiyagarajan, taking advantage of the decree of the Lower Court obtained orders in E.P.No.104 of 2014 in O.S.No.280 of 2003 on the file of the District Munsif Court,

Nagapattinam and the warrant of delivery of possession is sought to be executed with police aid. Apprehending constant danger to life and her property, the petitioner preferred a complaint to the respondent police on 20.11.2015 to refrain from rendering police aid for execution of warrant of delivery of possession issued in the said Execution Proceedings. Since no action is taken on the said complaint, the petitioner, having no other alternative, has approached this Court with the above Criminal Original Petition.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

4. Learned Additional Public Prosecutor appearing for the respondents submitted that since there is no interim order in the Second Appeal, the police cannot conduct enquiry.

5. Considering the submissions made by the learned counsel on either side, I feel it appropriate to direct the respondent police to conduct enquiry on the petitioner's complaint and upon enquiry, if the respondents come to the conclusion that the matter is purely civil in nature, they are directed to pass appropriate orders on the said complaint.

This Criminal Original Petition is disposed of accordingly.

sd/-
Assistant Registrar (CCC)

/TRUE COPY/

Sub-Assistant Registrar

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To :

1. The Inspector of Police,
Nagapattinam Town Police Station,
Nagapattinam.
2. The Superintendent of Police,
Nagapattinam District, Nagapattinam.
3. The Public Prosecutor,
High Court, Madras.

+1 CC to MR.P.Ayyaswamy Advocate. SR.NO. 66798

Cr1.O.P.No.28659 of 2015

CO-VD

JD 11/01/2016