

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.28694 of 2015

1.D.Gunaseelan

2.Sara Santha

... Petitioners

Vs

State by

1.The Superintendent of Police,
Tiruppur District,
Tiruppur.

2.The Inspector of Police,
District Crime Branch(ALGSC),
Tiruppur.

3.The Inspector of Police,
Dharapuram Police Station,
Dharapuram,Tiruppur District.

.... Respondents

Criminal Original Petition filed under Section 482
Cr.P.C. seeking a direction to the respondents to register the
petitioner's complaint dated 30.03.2015.

For Petitioners

:Mr.R.Prabakar

For Respondents

:Mr.C.Emalias

Additional Public Prosecutor

O R D E R

The present criminal original petition has been filed
seeking a direction to the respondents to register a case based
on the complaint of the petitioner dated 30.03.2015.

2.The petitioners lodged a complaint against one
K.Mohan P.Muthusamy and N.Chinnasamy stating that the

petitioners, who are the husband and wife, are residing at No.20, CSI Nagar, Dharapuram Town, Tiruppur District. They have purchased three house plots Nos.8,9,29 in K.C.K. Nagar, situated at S.F.No.347/3 in Kondarasampalayam of Chitravupthanpalayam village in the year 2011 from the persons namely, K.Saminathan, Amutha, Anbarasi and N.Palanisamy. When the petitioners approached Government Pleader to get legal opinion, they came to know that the path way to reach their house plots is situated in a temple land namely, Arulmighu Subramania Swamy temple, which is under the control of HR and CE. Thereafter, the petitioners further came to know that the plots, for which no pathway is available, have been sold by the said Mohan and others by creating a forged deed in the year 1999, whereby the temple land about 28 cents situated at S.F.No.346 in Kondarasampalayam of Chitaravupthanpalayam Village has been shown as pathway to the plots in K.C.K.Nagar. Hence, the petitioners lodged a complaint on 22.09.2014 to the first respondent. But, no action was taken. Again the petitioners have given a complaint to the respondents on 30.03.2015. But, no action was taken till date. Hence, the petitioners have filed the present criminal original petition.

3. Today, when the matter is taken up for consideration, learned Additional Public Prosecutor submitted that on the complaint given by the petitioner, an enquiry was conducted and the same was closed on 28.11.2015 as civil in nature. In this regard, the learned Additional Public Prosecutor has also produced a copy of the closure report for the perusal of this Court.

4. In view of the same, the prayer that has been made in this criminal original petition cannot be granted. Hence, the present criminal original petition is dismissed. However, the petitioners are at liberty to work out their remedy in a manner known to law, if they are so advised.

Sd/

ASSISTANT REGISTRAR (CS-V)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

ari

To

1. The Superintendent of Police,
Tiruppur District,
Tiruppur.

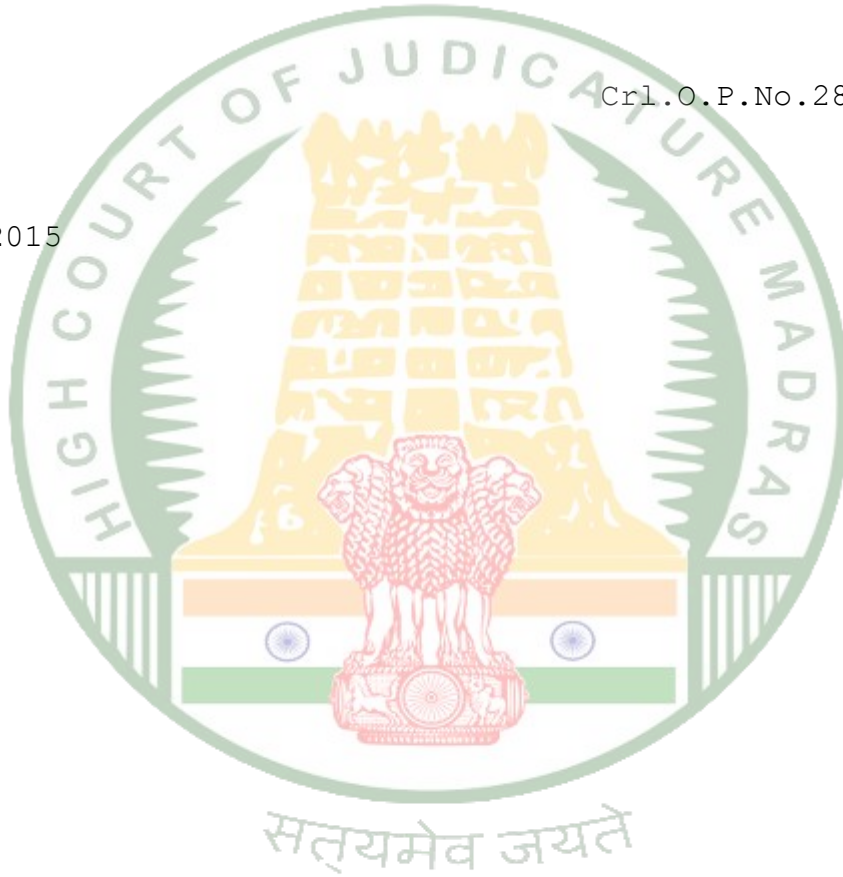
2.The Inspector of Police,
District Crime Branch(ALGSC),
Tiruppur.

3.The Inspector of Police,
Dharapuram Police Station,
Dharapuram,Tiruppur District.

4.The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.28694 of 2015

CO-NM
JD 22/12/2015



WEB COPY