

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.28821 of 2015

A.P.Jayachandran

... Petitioner

Vs

1. The Commissioner of Police,
O/o Police Commissioner Office,
EVK Sampath Road,
Vepery, Chennai - 600 007.
2. The Inspector of Police,
Law & Order,
V-4, Rajamangalam Police Station,
Kolathur,
Chennai - 600 009. ... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the 2nd respondent to register a case on his complaint dated 6.11.2015 investigate the matter and file a final report before the concerned court within the time stipulated by this Court.

For Petitioner : Mr.A.Balasingh Ramanujam

For respondents : Mr.C.Emalias,
Addl.Public Prosecutor

सत्यमेव जयते
O R D E R

This petition has been filed to direct the 2nd respondent to register a case on his complaint dated 6.11.2015 and investigate the matter and file a final report before the concerned Court within the time stipulated by this Court.

2. The case of the petitioner is that he is the owner of the premises bearing Door No.12/8 Neelakandan Street, Rajarajeswari Nagar, Kolathur, Chennai-99. The building is a two storied building. That one Devendran came as a tenant in the ground floor and was doing welding business in the name and style DKKR welding works . He did not pay the rent regularly. Right from the inception of tenancy, the said Devendran is

giving nuisance to the co-tenants in one way or the other. He is in the habit of bringing anti social elements inside the building premises and used to consume liquor inside the shop and create unpleasant scene every day and used to quarrel with the co-tenants unnecessarily. The co-tenants approached the petitioner and told him to evict the said Devendran. When the petitioner questioned the said Devendran, he raised his voice and also went to the extent of beating the petitioner. Hence, the petitioner lodged a complaint before the 2nd respondent police and based on the complaint given by the petitioner, C.S.R.No.79/V4/ PS/2013 was assigned. The said Devendran appeared before the police and gave an undertaking that he will not disturb the co-tenants, he will vacate the premises within six months and he will pay the outstanding arrears of rent. Subsequently, he started creating problem. He indulged in eve teasing the women residing in the building premises and the ladies are finding it very difficult to move freely because of the unnecessary comments raised by the customers visiting the shop. When the petitioner questioned the same, the said Devendran threatened him with dire consequences. Hence, the petitioner again lodged a complaint before the 2nd respondent police on 6.11.2015. But till date, no action was taken. Hence, the present petition.

3. Learned Additional Public Prosecutor submitted that the petitioner has given a complaint only through post. It appears that there is a dispute between the landlord and the tenant, since the tenant is not paying the rent regularly.

4. Learned counsel for the petitioner denies the same and submitted that only in respect of threat made by the said Devendran, the petitioner has given a complaint and so far as the arrears of rent is concerned, the petitioner will work out his remedy before the Rent Control Court. The present complaint is given only in respect of the atrocities done by the said Devendran. Hence, he seeks for a direction as prayed for.

5. Considering the submissions made on either side, this Court directs the petitioner to give a fresh complaint in person before the 2nd respondent police within a period of one week from the date of receipt of a copy of this order. On receipt of the same, the 2nd respondent is directed to conduct an enquiry on the complaint given by the petitioner and upon enquiry, if the materials are gathered indicating any cognizable offence, he is directed to proceed further in accordance with law. In the course of enquiry, if no prima facie is made out or the matter is civil in nature, he is directed to pass appropriate orders on the complaint made by the petitioner.

6. The criminal original petition is disposed of accordingly.

Sd/-
Assistant Registrar

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Sub Assistant Registrar

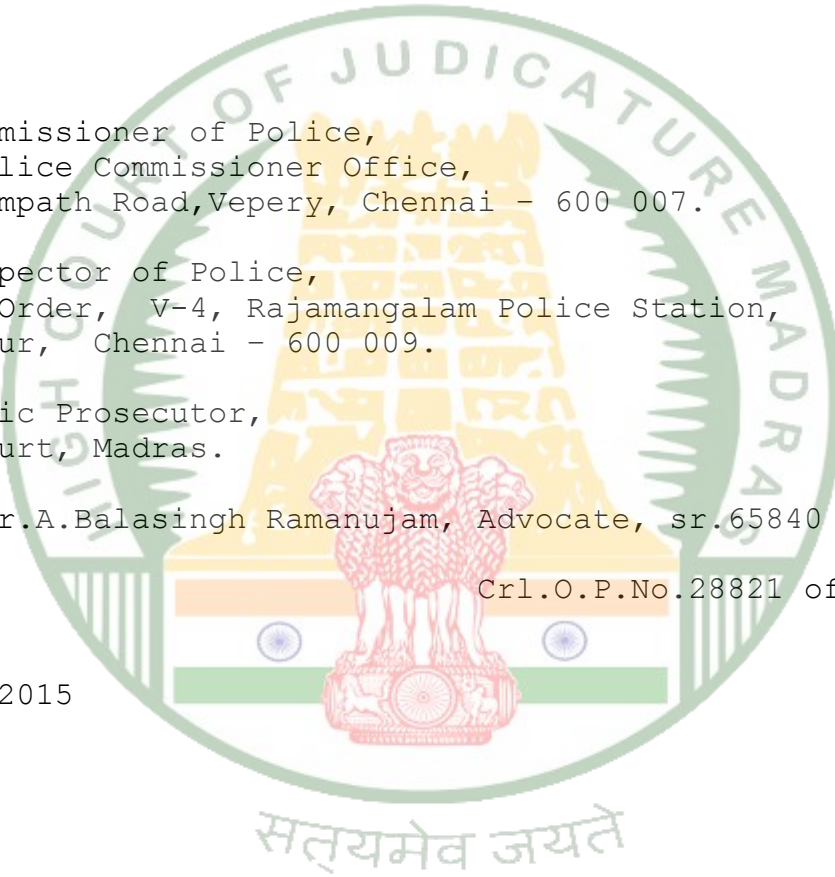
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To

1. The Commissioner of Police,
O/o Police Commissioner Office,
EVK Sampath Road, Vepery, Chennai - 600 007.
 2. The Inspector of Police,
Law & Order, V-4, Rajamangalam Police Station,
Kolathur, Chennai - 600 009.
 3. The Public Prosecutor,
High Court, Madras.
- +1 cc to Mr.A.Balasingh Ramanujam, Advocate, sr.65840

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