

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Crl.O.P.No.28879 of 2015

N.Sudhakar Reddy

... Petitioner

Vs

The State represented by
The Inspector of Police,
Minjur Police Station,
Chennai 600 203.

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondent to register the case on the petitioner complaint dated 02.11.2015, to investigate the same and to file final report in accordance with law.

For Petitioner : Mr.T.Dharani

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

ORDER

The present criminal original petition has been filed seeking a direction to the respondent to register a case based on the petitioner's complaint dated 2.11.2015, to investigate the same and to file final report in accordance with law.

2. In the petition, it is averred that the property belonging to Sri Kalahasteeswara Temple was leased out to the petitioner. Since the temple authorities delayed the registration process, the petitioner approached this Court and get an order of interim injunction in his favour. While so, on 1.11.2015 at about 4.00 p.m., one K.Kamaraj along with group of persons unauthorizedly entered into the said property and changed the entire structure and shape of the land. When the petitioner questioned about the same, the said K.Kamaraj threatened the petitioner that he would cause his death and abused him with filthy language. Hence, the petitioner lodged a complaint with the respondent police on 2.11.2015 and on receipt of the same, the respondent police assigned CSR number as CSR No.422 of 2015. But, till date, no action was taken on the said complaint. Hence, the petition.

3. Learned Additional Public Prosecutor vehemently opposed to give such a direction stating that the matter is purely civil in nature. He has further submitted that there is a disputed question of fact, which has to be agitated only before the civil forum.

4. However, the learned counsel appearing for the petitioner denied the said submission and submitted that there is an allegation of threat to the life of the petitioner.

5. Considering the facts and circumstances of the case and considering the fact that the complaint lodged by the petitioner dated 02.11.2015 has been assigned CSR Number as CSR No.422 of 2015, this Court directs the respondent to conduct an enquiry in CSR No.422 of 2015 and upon enquiry, if materials are gathered indicating commission of any cognizable offence, the respondent is directed to proceed further in accordance with law, as early as possible. After enquiry, if the respondent comes to a conclusion that the matter is purely civil in nature, then he can pass appropriate orders on the said complaint. The criminal original petition is disposed of accordingly.
sbi

Sd/-
Assistant Registrar (CS-III)

/True Copy/

Sub-Assistant Registrar

To

1. The Inspector of Police,
Minjur Police Station,
Chennai 600 203.

2. The Public Prosecutor,
High Court, Madras.

सत्यमेव जयते

Cr1.O.P.No.28879 of 2015

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