

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.29132 of 2015

Mr.K.Muthuraj

... Petitioner

Vs

The State represented by
Inspector of Police,
Selaiyur Police Station,
Selaiyur, Chennai - 73.

.... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C.
to direct the respondent to register the complaint dated
05.10.2015 and investigate the case in accordance with law.

For Petitioner : Mr.G.Justin

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

O R D E R

This petition has been filed to direct the respondent to
register the complaint dated 05.10.2015 and investigate the case
in accordance with law.

2. The petitioner is residing in the apartment bearing
Flat B Block, S-11, No.155/210, Velacherry Main Road, Rani
Residency, Sembakkam, Chennai - 73, for the past 7 years, as a
tenant under one Mrs.Namitha. The petitioner is regularly
paying the rent. While so, the owner of the flat called upon the
petitioner to vacate the apartment otherwise, she will forcibly
evict the petitioner. On 03.10.2015 at 11.30 a.m., the
husband of the said Mrs.Namitha, along with three unidentified
men assaulted the petitioner and his family members with an
intention to kill the petitioner. Hence, the petitioner lodged a
complaint with the respondent police on 5.10.2015. Since no
action was taken, the present petition has been filed.

3. Learned Additional Public Prosecutor submitted that it is a dispute between the tenant and the landlord and the petitioner has to work out the remedy before the appropriate forum.

4. Learned counsel for the petitioner denied the same and submitted that the counter petitioner Vasanthakumar along with henchmen assaulted the petitioner. Thus, the petitioner has sought for the above said direction.

5. Considering the submissions made on either side, this Court directs the petitioner to give a fresh complaint along with a copy of this order to the respondent Police and on receipt of the same, the respondent police is directed to conduct an enquiry on the complaint of the petitioner and upon enquiry, if the materials are gathered indicating any cognizable offence, he is directed to proceed further in accordance with law as early as possible. 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(CS II)

//True Copy//

Sub Assistant Registrar

vsi

To

1. The Inspector of Police,
Selaiyur Police Station,
Selaiyur, Chennai - 73.

2. The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr. G. Justin, Advocate SR.66068

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Eu 29.12.15