

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.29418 of 2015

Mahalakshmi

...Petitioner

..Vs..

1. The Superintendent of Police,
Ariyalur District, Ariyalur.
 2. State rep. By
The Inspector of Police,
Ariyalur Police Station,
Ariyalur District.
- ... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. seeking a direction to the 2nd respondent to register the case on the complaint of the petitioner dated 21.09.2015 and to investigate and file a Final Report within a stipulated time.

For Petitioner : Mr.V.Illanchezian

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

O R D E R

The present Criminal Original Petition has been filed seeking a direction to the 2nd respondent to register the case on the petitioner's complaint dated 21.09.2015 and to investigate and file a Final Report.

2. In the affidavit accompanying the petition, the petitioner has stated that one Marimuthu, who is residing adjacent to the petitioner's house attempted to grab the land in the backyard of the petitioner. One Meenatchi, wife of Marimuthu filed a suit in O.S.No.55 of 2012 before the District Munsif, Ariyalur seeking a declaration to declare that the said land belongs to her, and the same was dismissed by the Civil Court with a finding that the same belongs to the petitioner. The said Meenatchi did not prefer any appeal against the order of the Civil Court. The petitioner made several complaints to

the 2nd respondent with regard to the atrocities made by the said Marimuthu and his family members even after the dismissal of the suit filed by his wife Meenatchi in O.S.No.55 of 2012 before the District Munsif Court, Ariyalur. But, the 2nd respondent did not take any action against the said Marimuthu, since he is working in the office of the District Collector, Ariyalur. While so, on 21.09.2015, about 7.30 a.m., when the petitioner questioned the illegal act of the said Marimuthu, all his family members joined together and abused the petitioner and attacked her physically, thereby threatened her life. Hence, the petitioner lodged a complaint with the 1st respondent police on the same day, i.e. on 21.09.2015 itself. The 1st respondent forwarded the petitioner's complaint to the 2nd respondent to take immediate action on his complaint. As no action is taken on her complaint, having no other alternative, the petitioner has come up with the present Criminal Original Petition.

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

4. Learned Additional Public Prosecutor appearing for the respondents would submit that the case is purely civil in nature, but the petitioner has given a criminal colour to it.

5. Taking note of the above submissions and without going into the merits of the case, this Court feels it appropriate to direct the petitioner to send a fresh complaint along with a copy of this order to the respondent police and upon receipt of the same, the respondent police is directed to conduct an enquiry on the petitioner's complaint only with regard to the allegation of assault said to have been made on the petitioner and in the course of investigation, if any prima facie case is made out, he is directed to proceed further in accordance with law, as early as possible.

This Criminal Original Petition is disposed of accordingly.

sd/-
Assistant Registrar (CO)

/TRUE COPY/

Sub-Assistant Registrar

aeb

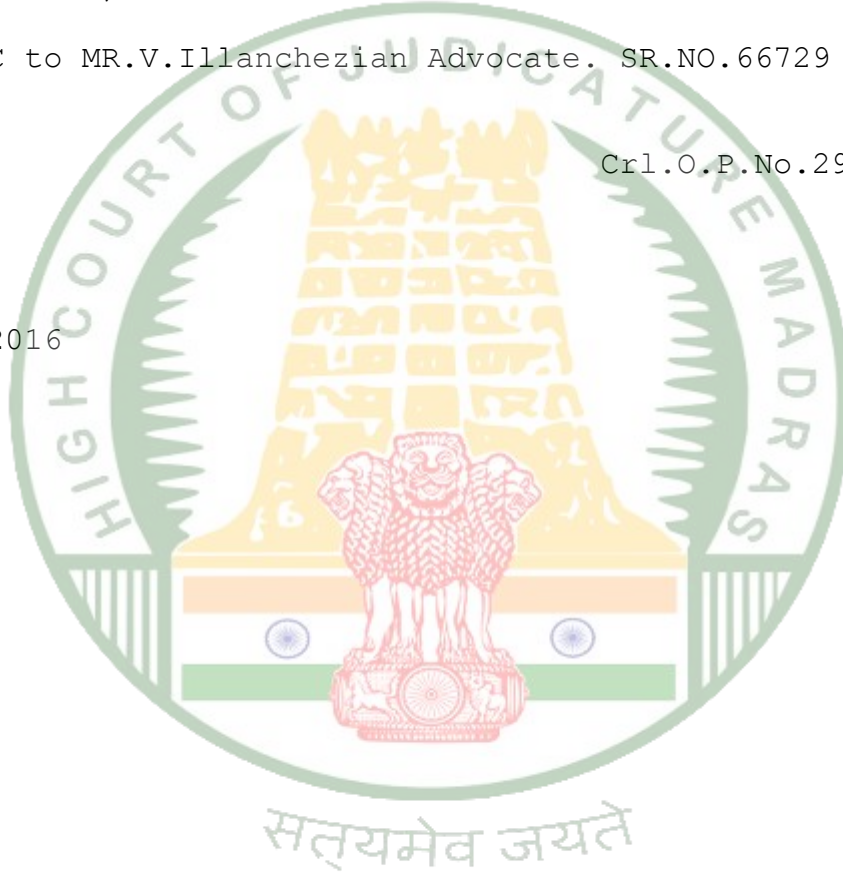
To :

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

+1 CC to MR.V.Illanchezian Advocate. SR.NO.66729

CrI.O.P.No.29418 of 2015

CO-AD
JD 12/01/2016



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