

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

CrI.O.P.No.29818 of 2015

N.C.Ashkar

... Petitioner

Vs

State by
Inspector of Police,
G-7 Chetpet Police Station,
Chetpet,
Chennai 600 031.

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondent police to register a case on the basis of the complaint given by the petitioner dated 26.11.2015 against the above said person named in the complaint and investigate into the matter and submit a report to the Court.

For Petitioner : Mr.V.Devendhiran

For respondent : Mr.C.Emalias
Additional Public Prosecutor

O R D E R

This petition has been filed to direct the respondent police to register a case on the basis of the complaint given by the petitioner dated 26.11.2015 against the named person in the complaint and investigate into the matter and submit a report to the Court.

2. In the petitioner, it is stated that the petitioner's father entered into sale agreement with the original owner one Mathew Chacko and was running a grocery shop. Due to his old age, the said shop was let out to one Sukumar. As per the rental agreement, the tenant shall not make any structural alterations in the tenancy premises. While so, without permission of the petitioner, the said Sukumar demolished the structure of the premises in violation of the rental agreement. When the petitioner questioned the same, the said Sukumar abused him in filthy language and threatened him with dire consequences.

Hence, he lodged a complaint with the respondent police. Since no action was taken till date, the present petition has been filed.

3. Learned Additional Public Prosecutor submitted that it is a dispute between the landlord and the tenant and he opposed the grant of direction.

4. However, learned counsel for the petitioner submitted that the allegation of threat is there and hence, the petitioner has sought for a direction.

5. In view of the submissions made on either side, this Court directs the petitioner to give a fresh complaint before the respondent police and on receipt of the same, the respondent police is directed to conduct an enquiry 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.

6. The criminal original petition is disposed of accordingly.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vsi/ cla

To

1. The Inspector of Police,
G-7 Chetpet Police Station,
Chetpet,
Chennai 600 031.

2. The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.V.Devendhiran, Advocate, sr.68648

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