

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

CrI.O.P.No.29943 of 2015

Fr.Ignatius Thomas

... Petitioner

Vs

1. The State,
Rep. By the Commissioner of Police,
Vepery Police Station,
Chennai - 600 007.
2. The State,
Rep. by the Assistant Commissioner of Police,
Kutchery Road,
Mylapore,
Chennai - 600004.
3. Balraj
4. J.Balraj Vasantha

.... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the second respondent police to register the FIR on the petitioner's complaint dated 23.04.2015 as against the third and fourth respondents under sections 403 (Dishonest Misappropriation of Property), 406 (criminal Breach of Trust), 426 (Mischief, 44 (criminal Trespass) of IPC and make an enquiry within the time framed.

For Petitioner : Mr.Auxilia Peter

For respondent : Mr.C.Emalias
Additional Public Prosecutor
for R1 & R2

O R D E R

This petition has been filed to direct the second respondent police to register the FIR on the petitioner's complaint dated 23.04.2015 as against the third and fourth respondents

2. In the petition, it is stated that one Arul Mary Premala Kumari Nath was a tenant in respect of the premises bearing Door No.2, Lazarus Church Colony, St.Lazarus Church Road, R.A.Puram, Chennai-28, to an extent of 432 sq.ft. on the monthly rent of Rs.200/- which belongs to Archdiocese of Madras Mylapore represented by Archbishop of Madras - Mylapore and it is managed by the Archdiocese of Madras Mylapore Society. While so, Arulmary Premala Kumari Nath died on 03.12.2012 and the 3rd and 4th respondents representing that they are related to Arul Mary Premala Kumari Nath, occupied the property to perform her last rites. Even after the last rites were over, they continue to occupy the property illegally to grab the petitioner's property. Hence, a complaint was lodged with the respondent police on 23.04.2015. Since no action was taken so far, the present petition has been filed.

3. Learned Additional Public Prosecutor submitted that absolutely, no material has been given in the complaint of the petitioner. Further, it appears that the matter is civil in nature and he opposed the grant of direction.

4. Considering the submissions made on either side, this Court directs the petitioner to give a fresh detailed complaint to the 2nd respondent police within a period of one week from the date of receipt of a copy of this order and on receipt of the same, the respondent police 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 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.

5. The criminal original petition is disposed of accordingly.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

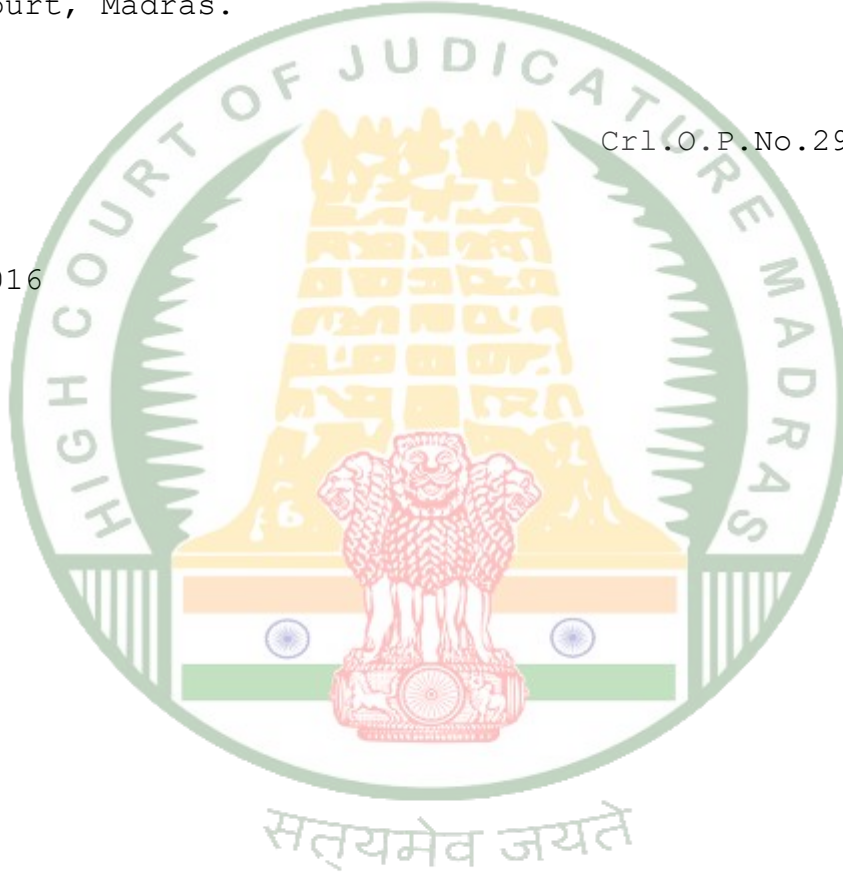
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To

1. The Commissioner of Police,
Vepery Police Station,
Chennai - 600 007.
2. The Assistant Commissioner of Police,
Kutchery Road,
Mylapore,
Chennai - 600004.
3. The Public Prosecutor,
High Court, Madras.

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