

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.30009 of 2015

R.Perumal

...Petitioner/Defacto Complainant

Vs

1. State represented by
The Inspector of Police,
Krishnagiri Taluk Police Station,
Krishnagiri District.
2. The Superintendent of Police,
Krishnagiri District,
Krishnagiri. ... Respondents/Complainant

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondent police to register the case and take appropriate criminal action against the accused persons based on the petitioner's complaint dated 19.10.2015 and to file a final report in accordance with law.

For Petitioner :Mr.M.R.Jothimanian

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

O R D E R

The present petition has been filed to direct the respondent police to register the case and take appropriate criminal action against the accused persons based on the petitioner's complaint dated 19.10.2015 and to file a final report in accordance with law.

2. The petitioner is having agricultural land in S.No.94/13, 156, Kooliyam Village, Krishnagiri Taluk and District and he is cultivating the said land. The petitioner and his family members are in possession and enjoyment of the property. While so, in the month of February 2015, one Ellappan, Lakshmanan, Ambika and others created forged documents in order to grab the land by disturbing the petitioner's cultivation in the said land. Therefore, the petitioner's father Raman, filed a suit in

O.S.No.24 of 2015 and obtained interim injunction in I.A.No.112 of 2015 on the file of learned District Munsif, Krishnagiri and the same was made absolute on 17.08.2015. In spite of the order of the Civil Court, the accused persons, with rowdy elements, forcibly entered into petitioner's agricultural land and destroyed the crops and also threatened the petitioner and his family members. Hence, the petitioner lodged a complaint before the 1st respondent police on 4.7.2015 but the first respondent supported the accused persons. Again on 27.7.2015, the petitioner made a complaint before the 1st respondent to take action but no action was taken. In the meanwhile, the petitioner's father died. Again, the petitioner gave a complaint on 19.10.2015 to the respondent police and also to the Chief Minister Cell. As per the direction of the Chief Minister Cell, the 1st respondent issued a notice and called upon the petitioner to appear for enquiry on 9.12.2015. The petitioner appeared before the 1st respondent, but no enquiry was conducted. Hence, the petitioner has come forward with the present petition.

3. When the matter is taken up for consideration, learned Additional Public Prosecutor submitted that on the complaint lodged by the petitioner, C.S.R.No.331/2015 was assigned and the counter petitioner has also lodged a complaint against the petitioner, for which, C.S.R.No.332/2015 was assigned and both the complaints are enquired into by the respondent police and the respondent police had come to the conclusion that the dispute between the parties is only with regard to the property and the same is pending before the Civil Court. Hence, the respondent police closed the complaints. Learned Additional Public Prosecutor also produced the closure report of the said complaint.

4. Since the complaint given by the petitioner has been closed, nothing survives in this petition. Hence, the criminal original petition is dismissed. However, the petitioner is at liberty to work out his remedy in the manner known to law.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

1. The Inspector of Police,
Krishnagiri Taluk Police Station,
Krishnagiri District.

2. The Superintendent of Police,
Krishnagiri District,
Krishnagiri.

3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.M.R.Jothimanian, Advocate, S.R.No.69288

CrI.O.P.No.30009 of 2015

vgi (CO)
srg (07/01/2016)



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