

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Crl.O.P.No.30143 of 2015

R.Sivasubramaniyan

... Petitioner/Complainant

Vs

1.The District Superintendent of
Police,
No.2, Panneerselvam Park Road,
Erode - 638 001.

2.The Inspector of Police,
Kodumudi Police Station,
Kodumudi, Erode T.K. Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondents 1 and 2 to register the complaint dated 9.1.2013 read with further complaint dated 11.6.2013 along with reminders dated 28.6.2013 and 9.7.2013 submitted to the second respondent and read with representation dated 21.6.2013 submitted to the first respondent and to proceed with the case in accordance with law.

For Petitioner :Mr.P.Venkatasubramanian
For respondents :Mr.C.Emalias,
Addl.Public Prosecutor

ORDER

The present criminal original petition has been filed seeking a direction to the respondents to register the complaint dated 9.1.2013 read with further complaint dated 11.6.2013 along with reminders dated 28.6.2013 and 9.7.2013 submitted to the second respondent and read with representation dated 21.6.2013 submitted to the first respondent and to proceed with the case in accordance with law.

2. It is the case of the petitioner that his father K.S.Ramasamy died on 16.11.2010 leaving behind valuable agricultural lands of about 15 acres and other properties exceeding the value of Rs.200 lakhs. All those properties were in the exclusive possession and enjoyment of his father. After

the death of his father, with an intention to grab all the lands and properties, the petitioner's brother kept threatening the petitioner with dire consequences. Since the petitioner's brother attempted to murder the petitioner, he approached the second respondent for police protection and the same was also provided to him. Thereafter, the petitioner approached this Court by filing a petition in O.P.No.163 of 2013 seeking a direction to the Administrator General of Tamil Nadu to take possession of all the properties of his father and administer them. Knowing fully well that the entire matter has been seized by this Court, the petitioner's brother trespassed into the land and started carrying out agricultural operations. Aggrieved by such illegal action, the petitioner submitted a complaint to the second respondent on 9.1.2013 and on receipt of the said complaint, the second respondent assigned CSR number as CSR No.15 of 2013. Again on 11.6.2013, the petitioner's brother with a group of men, trespassed into the entire land and grabbed them with force, threat and coercion. Immediately, the petitioner sent a complaint dated 11.6.2013 to the second respondent to take immediate action. The petitioner's brother appeared before the second respondent and gave false statement saying that all the lands have been partitioned and he entered into his portion only. After coming to know about such false statement, the petitioner made a representation dated 21.6.2013 to the first respondent. But, till date, no action was taken in this matter. Hence, the present petition.

3. I have heard the learned Additional Public Prosecutor.

4. Considering the facts and circumstances of the case and considering the fact that the complaint lodged by the petitioner dated 9.1.2013 has been assigned CSR Number as C.S.R.No.15 of 2013, this Court directs the second respondent to conduct enquiry in C.S.R.No.15 of 2013 and proceed further in accordance with law, as early as possible. The petitioner is also directed to cooperate with the enquiry. This criminal original petition is disposed of accordingly.

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Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

1.The District Superintendent of
Police,
No.2, Panneerselvam Park Road,
Erode - 638 001.

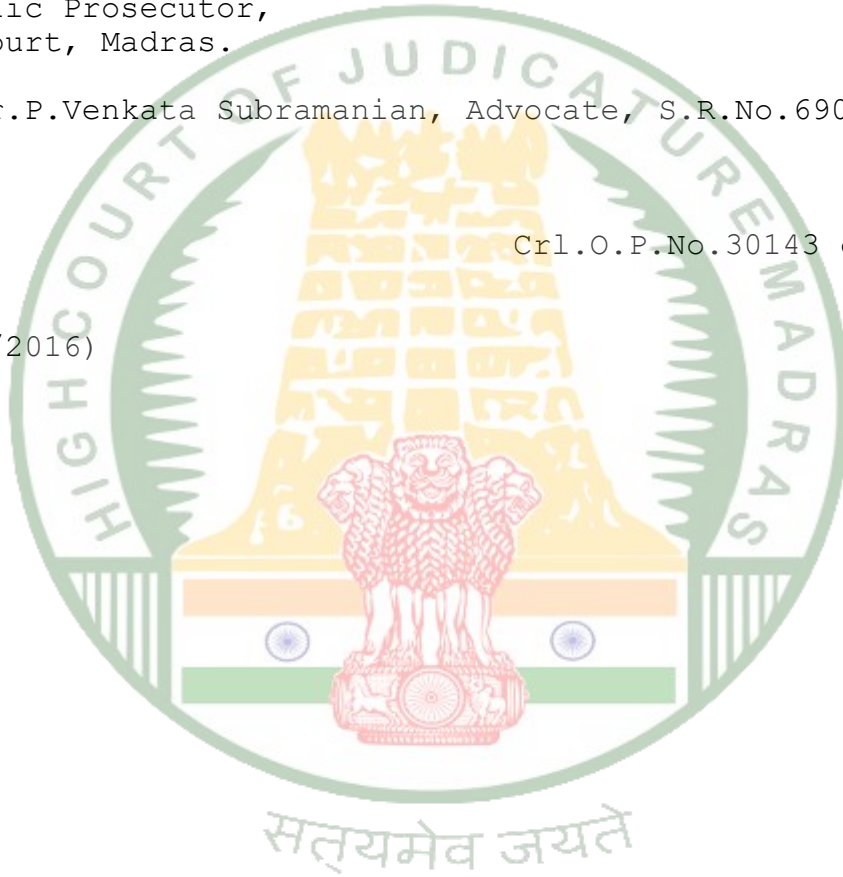
2.The Inspector of Police,
Kodumudi Police Station,
Kodumudi, Erode T.K.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.P.Venkata Subramanian, Advocate, S.R.No.69043

Cr1.O.P.No.30143 of 2015

pur (CO)
srg (12/01/2016)



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