

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.12.2015

CORAM

THE HONOURABLE MR. **JUSTICE R.SUBBIAH**

Crl.O.P.No.30573 of 2015

K.Balu

... Petitioner

Vs

1. The Commissioner of Police,
Chennai City,
Vepery,
Chennai – 600 007

2. The Inspector of Police,
Maduravoyal Police Station,
Chennai – 600 095

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C.
seeking a direction to the second respondent to register the complaint
of the petitioner dated 06.11.2015 and investigate the same in
accordance with law to secure the ends of justice.

For Petitioner : Mr.R.Sankarasubbu

For Respondents : Mr.C.Emalias
Additional Public Prosecutor

ORDER

The present criminal original petition has been filed to

direct the second respondent to register a case based on the petitioner's complaint dated 06.11.2015.

2. The case of the petitioner is that he is the absolute owner of the property measuring 3600 sq.ft. When the petitioner has started construction on the said land, one Manoharan, Amose, George and Mohan assaulted the petitioner and also they prevented the petitioner from putting up construction. They have also dumped the big stones on the pathway of the petitioner's property. Hence, the petitioner has lodged a complaint with the respondent police on 06.11.2015. But till date, no action has been taken on the said complaint. Hence, the present criminal original petition has been filed.

3. I have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

4. It is the submission of learned Additional Public Prosecutor that on receipt of the complaint of the petitioner, C.S.R.No.836 of 2015 has been assigned. As against this petitioner already complaints have been lodged by one Manoharan and

Baranikumar and C.S.R.Nos.831 and 833 of 2015 have been assigned on the said complaints. All the matters are pending for enquiry. He further submits that the dispute between the parties appears to be civil in nature. But the learned counsel for the petitioner denies the same and thus sought for direction.

5. In view of the submissions made on either side, this Court directs the second respondent to conduct enquiry on the complaint given by the petitioner and the counter petitioners in C.S.R.Nos.836, 831 and 833 of 2015 and upon enquiry, if materials are gathered indicating commission of any cognizable offence, he is directed to proceed further in accordance with law, as early as possible. If no prima facie case is made out for registering the FIR, the second respondent is directed to pass an appropriate order on the said complaints. The petitioner is also directed to cooperate for enquiry.

6. This criminal original petition is disposed of accordingly.

22.12.2015

mrp

R.SUBBIAH, J.

mrp

To

1. The Commissioner of Police,
Chennai City,
Vepery,
Chennai – 600 007
2. The Inspector of Police,
Maduravoyal Police Station,
Chennai – 600 095
3. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.30573 of 2015

DATED: 22.12.2015