

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.04.2015

CORAM :

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

Crl.O.P.No.6264 of 2015

Thahir

... Petitioner

Vs.

The State rep. by The Inspector,
Arumbavur Police Station,
Veppanthattai Taluk,
Perambalur District.

... Respondent

Prayer:- Petition has been filed under Section 482 of Cr.P.C. to direct the respondent to register the complaint dated 18.02.2015 and to investigate the matter.

For Petitioner : Mr.P.Sesubalan

For Respondent : Mr.C.Emalias
Additional Public Prosecutor

O R D E R

The petitioner has come forward with this petition to direct the respondent to register the complaint dated 18.02.2015 and to investigate the matter.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent and perused the materials placed on record.

3. It is the grievance of the petitioner that the petitioner had succeeded in the suit in O.S.No.339 of 2005, which was filed by the petitioner against one Jammal Mohamed. Despite which, the said Jammal Mohammed has created further encumbrance in the said property.

4. The learned Additional Public Prosecutor would submit that the complaint given by the petitioner was enquired and it is purely civil dispute.

5. On the contrary, the learned counsel for the petitioner would submit that even after the suit was decreed in his favour, the proposed accused are continuously creating encumbrance in the property and that he is willing to submit all those details to the respondent police.

6. A reading of the complaint dated 18.02.2015 discloses the facts relating to the allegations that the proposed party have created encumbrance on the petitioner's property. Hence this petition is closed with a liberty to the petitioner to give a fresh complaint giving all the details and during the course of enquiry, if the same discloses commission of cognizable offence, the respondent shall act in accordance with law following the principles laid down by the Hon'ble Supreme Court reported in (2014) 2 SCC 1 (Lalitha kumari Vs. Government of Uttarpradesh & Others)

Sd/-
Assistant Registrar(Records)

//True Copy//

Sub Assistant Registrar

ssd

To

1. The Inspector,
Arumbavur Police Station,
Veppanthattai Taluk,
Perambalur District.
2. The Public Prosecutor,
High Court, Madras.

+1cc to M/s.P.Sesubalan, Advocate, S.R.No.19296

ALA(CO)
CA(17/04/2015)

Cr1.O.P.No.6264 of 2015

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