

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.06.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP No.9217 of 2015

A.Ganesan

..Petitioner

Vs

1.The Superintendent of Police  
Pondicherry-North  
Pondicherry.

2.The Inspector of Police  
Kalapet Police Station  
Pondicherry.

3.The Sub-Inspector of Police  
Kalapet Police Station  
Pondicherry.

... Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to direct the respondent police to register the complaint of the petitioner dated 24.01.2015 and to take action in accordance with law.

For Petitioner : Mr.B.Balavijayan

For Respondents : Mr.Thangavel  
Addl.Public Prosecutor [Pondy]

O R D E R

This petition has been filed to direct the respondent police to register the complaint of the petitioner dated 24.01.2015 and to take action in accordance with law.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

3. It is seen that the counter petitioner by name Divya, had approached this Court in Crl.O.P.No.32356 of 2013 stating that, the land in dispute belongs to her and sought police protection for fencing the land. This Court by order dated 13.12.2013 granted her police protection, based on which she encroached into the land belonging to the petitioner, by name Ganesa,n and attempted to fence the same. When Ganesan came to know about the same, he approached this Court and filed M.P.No.1 of 2014 and brought to the

notice of this Court that Divya had obtained an order on 13.12.2013 by suppression of facts. This Court accepted the contention of Ganesan and found that Divya had played fraud by suppressing the facts and therefore, recalled the order dated 13.12.2013 on 14.10.2014. While the said order was in force, it is alleged by Ganesan that, Divya and her group had caused extensive damage to the property of Ganesan and had also taken away several valuable items. Hence Ganesan had lodged the present complaint.

4. In view of the serious nature of the allegations made in the complaint dated 24.01.2015 by Ganesan and also in view of the fact that Divya had played fraud on this Court, it will be in the interest of justice if the respondent police is directed to register a regular case against Divya and others on the complaint dated 24.01.2015 of Ganesan. It is seen that the complaint has been given to the Superintendent of Police, Pondicherry - North, and therefore the Superintendent of Police, is directed to forward the complaint to the Inspector of Police, Kalapet Police Station, who shall register a regular case and take action in accordance with the law laid down by the Honourable Apex Court in Lalita Kumari vs. Govt. of U.P. & others [2013 (4) Crimes 243 (SC)].

This Criminal Original Petition is disposed of with the above direction.

Sd/-  
Assistant Registrar

True Copy

Sub Assistant Registrar

gms

To

1.The Superintendent of Police  
Pondicherry-North  
Pondicherry.

2.The Inspector of Police  
Kalapet Police Station  
Pondicherry.

3.The Sub-Inspector of Police  
Kalapet Police Station  
Pondicherry.

4.The Public Prosecutor,  
High Court, Madras.

1 cc to Mr..B.Balavijayan, Advocate Sr.No.26478

Cr1.OP No.9217 of 2015

bvr(co)

pmk.16.6.2015