



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.04.2015

CORAM

THE HONOURABLE MR. JUSTICE K. KALYANASUNDARAM

Cr1.O.P(MD)No.7116 of 2015

WEB COPY

Santhiyagu : Petitioner

-Vs-

1.The Deputy Inspector General of Police,
Tiruneveli Range,
Maharajan Nagar,
Tirunelveli 627 011.

2.The Superintendent of Police,
Palayamkottai,
Tirunelveli District,
Tirunelveli.

3.The Deputy Superintendent of Police,
Thalayuthu,
Sankar Nagar,
Tirunelveli District.

: Respondents

PRAYER: Petition is filed under Section 482 of the Code of Criminal Procedure praying to direct respondent police to register his complaint dated 10.04.2015 and to take necessary action within the time stipulated by this court.

For Petitioner : Mr.Veera Kathiravan

For Respondents : Mr.K.V.Rajarajan

Government Advocate(Criminal side)

ORDER

The petition has been filed under section 482 Cr.P.C, praying to direct the respondents to register a case, on the basis of the petitioner's complaint, dated 10.04.2015 and to take necessary action within the time stipulated by this court.

2.Heard learned counsel appearing on either side.

3.The learned counsel for the petitioner submitted that there is a civil dispute exists between the petitioner and the accused persons and in this regard, a suit in O.S.No.359 of 2014 is pending on the file of the District Munsif, Tirunelveli and during the pendency of the suit, the accused attempted to trespass into the property of the petitioner and in this connection, several complaints were given before the respondents police on 14.06.2014, 17.07.2014 and 15.08.2014. In-spite of that, no action has been taken by the respondents police. In the meantime, on 01.04.2015,



the accused persons along with their henchmen and rowdy elements trespassed into the property of the petitioner and also brought a Bulldozer to level the same. Hence, the petitioner was constrained to lodge a complaint on 10.04.2015 before the 2nd respondent. Since, no action has been taken by the respondent police, this petition is filed.

4.The learned Government Advocate(Criminal side) submitted that based on the complaint given by the petitioner, dated 10.04.2015, petition enquiry is pending with the Inspector of Police, attached to Manoor Police Station, Tirunelveli District.

5.In view of the above, the Inspector of Police, attached to Manoor Police Station, Tirunelveli District is directed to conduct a preliminary enquiry, which shall not extend beyond a period of seven days from the date of receipt of a copy of this order, by following the judgement of the Hon'ble Supreme Court in **Lalita Kumari vs. Govt. of U.P. & others [2013 (4) Crimes 243 (SC)]**. In conducting the preliminary enquiry, they shall put the concerned parties upon notice. At the end thereof, if any cognizable offence is made out, they shall duly register a case. In the event of effecting closure of the case upon conducting a petition enquiry, a copy of the closure report shall be forwarded to the complainant.

6.The Criminal Original Petition is disposed of with the above direction.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

To,

- 1.The Deputy Inspector General of Police,
Tirunelveli Range, Maharajan Nagar, Tirunelveli 627 011.
 - 2.The Superintendent of Police,
Palayamkottai, Tirunelveli District, Tirunelveli.
 - 3.The Deputy Superintendent of Police,
Thalayuthu, Sankar Nagar, Tirunelveli District.
 - 4.The Inspector of Police,
Manoor Police Station, Tirunelveli District.
 - 5.The Additional Public Prosecutor
Madurai Bench of Madras High Court, Madurai.
- +1cc to Mr.VeeraKathiravan, Advocate Sr.No.20537
ses/er
AA/19.05.2015/2p -7c/

Cr1.O.P. (MD) No.7116 of 2015
21.04.2015