

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

CrI.O.P.No.1224 of 2016

J.Manikandan

... Petitioner

Vs

The State, rep. by
The Inspector of Police,
S-10, Pallikaranai Police Station,
Pallikaranai,
Chennai 600 100.

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondent police to enquire, investigate and register a case/FIR based on the complaint of the petitioner dated 28.11.2015 within a time frame as may be fixed by this Court.

For Petitioner : Mr.M.Kempraj

For respondent : Mr.C.Emalias,
Additional Public Prosecutor

ORDER

The present criminal original petition has been filed seeking a direction to the respondent police to enquire, investigate and register a case/FIR based on the complaint of the petitioner dated 28.11.2015 within a time frame as may be fixed by this Court.

2. It is the case of the petitioner that he is the sole and absolute owner of the properties situated at Ram Nagar, south Extension, Pallikaranai Village, Tambaram Taluk, Kancheepuram District comprised in s.Nos.52/5, 52/6, 52/7 as per patta S.No.52/3A1B, bearing plot No.356 (Western Portion), measuring an extent of 2400 sq.ft. and 2400 sq.ft. in the eastern portion of the plot No.356 comprised in the same survey numbers, by two separate sale deeds bearing document No.560 of 2004 dated 04.02.2004 and 2193 of 2004 dated 31.3.2004 in the Joint Sub Registrar, South Chennai respectively. From the date of inception of sale deed, the petitioner is in possession of the same. While so, during the year 2008, one Manish Agarwal attempted to trespass into his property. Hence, the petitioner filed a suit in O.S.No.534 of 2008 before the learned Additional District Judge, Alandur, seeking permanent injunction and the same is pending. While so, some unknown persons attempted to construct compound wall in his property. When the petitioner objected

the same, the accused persons started to abuse him by using filthy language and threatened him. Hence, the petitioner lodged a complaint with the respondent police on 28.11.2015. But, till date, no action was taken on the said complaint. Hence, the petition.

3. Today, when the matter was taken up for consideration, learned Additional Public Prosecutor submitted that the complaint was sent only by post and if the petitioner gives a fresh complaint, necessary action would be taken by the respondent police.

4. Considering the facts and circumstances of the case and considering the submission made by the learned Additional Public Prosecutor, this Court is constrained to pass the following order:-

(i) The petitioner is directed to give a fresh complaint to the respondent within a period of one week from the date of receipt of a copy of this order, along with a copy of this order.

(ii) On receipt of the same, the respondent is directed to conduct enquiry on the said complaint, and upon enquiry, if materials are gathered indicating commission of any cognizable offence, then the respondent is directed to proceed further in accordance with law, as early as possible.

5. The criminal original petition is disposed of accordingly.
sbi

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub-Assistant Registrar

To

1. The Inspector of Police,
S-10, Pallikaranai Police Station,
Pallikaranai,
Chennai 600 100.

2. The Public Prosecutor,
High Court, Madras.

+1 C.C. To MR.M.Kempuraj, Advocate in SR.NO.3443

Cr1.O.P.No.1224 of 2016

KK(CO)

sd : 02/02/2016