

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 20.06.2016

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.OP.No.12785 of 2016

Vijayakumar G Dhas

... Petitioner

Vs

State of Tamil Nadu rep by
The Inspector of Police,
Poonamallee Police Station,
Poonamallee, Chennai.

.... Respondent

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to direct the respondent to register a case on the petitioner's complaint dated 05.05.2016.

For Petitioner : Mr.P.Sesubalan Raja

For Respondent : Mr.C.Emalias, APP

O R D E R

This petition has been filed to direct the respondent to register the petitioner's complaint dated 05.05.2016.

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

3. When the matter was taken up for hearing, learned Additional Public Prosecutor submitted that petition enquiry was conducted in CSR.No.288 of 2016 and the same was closed, on the ground that the matter is pending before the civil court.

4. It is seen that the opposite parties have demolished the compound wall and thereafter, they are making construction in the disputed property, despite the order of status quo in OS.No.140 of 2016 by the learned District Munsif, Poonamallee.

5. Under such circumstances, the respondent police is directed to re-open the case in CSR.No.288 of 2016 and conduct enquiry and during the course of enquiry, if any cognizable offence is made out, a regular case shall be registered, following the decision laid down by the Hon'ble Supreme Court in Lalita Kumari Vs. Government of Uttarpradesh and Others reported in [2014] 2 SCC 1, otherwise close the complaint under intimation to the petitioner.

With the above direction, this petition is closed.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

gya

To

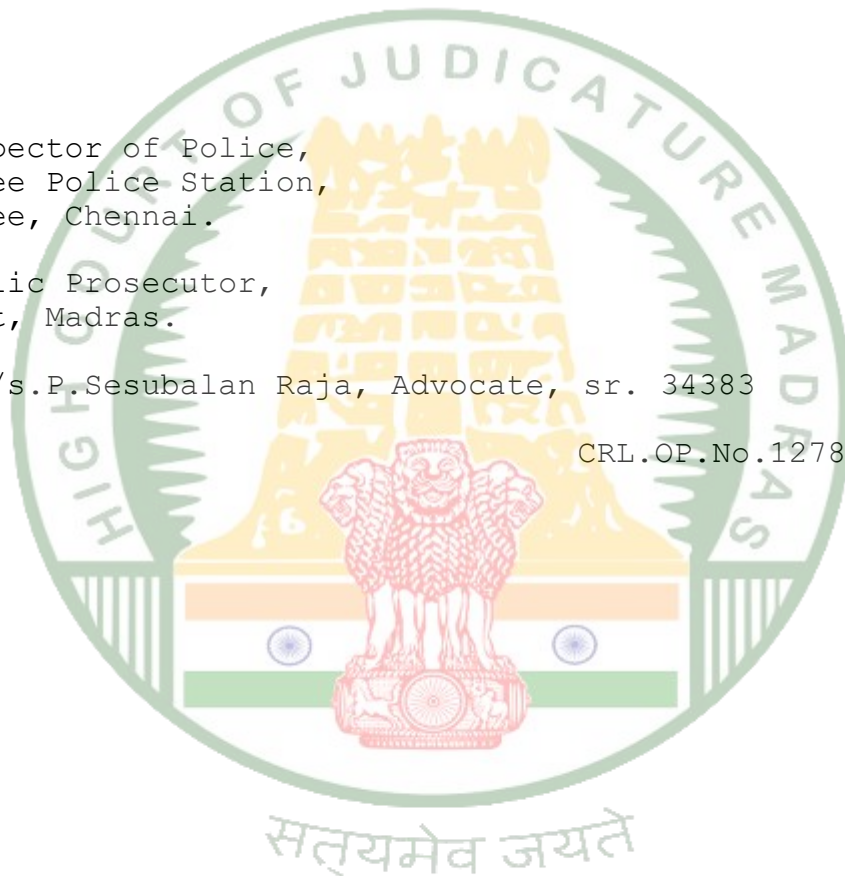
1.The Inspector of Police,
Poonamallee Police Station,
Poonamallee, Chennai.

2.The Public Prosecutor,
High Court, Madras.

1 cc to M/s.P.Sesubalan Raja, Advocate, sr. 34383

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