

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.01.2016

CORAM:

THE HON'BLE Mr.JUSTICE R.SUBBIAH

Crl.O.P.No.1384 of 2016

G.Umadevi
W/o.G.D.Umamheshwar,
No.44, Poonamallee High Road,
Kilpauk, Chennai 600 010 ... Petitioner

Vs.

1. The Inspector of Police (Law and Order)
G3, Kilpauk Police Station,
Kilpauk, Chennai 600 010
2. The Commissioner of Police,
Office of the Commissioner of Police,
Vepery, Chennai 600 007 ... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to direct the first respondent to register a First Information Report for the complaint dated 21.12.2015 and to investigate into the same and proceed in accordance with law within a time to be prescribed by this Hon'ble Court.

For Petitioner : Mr.V.Ramana Reddy

For Respondents : Mr.C.Emalias
Additional Public Prosecutor

ORDER

This petition has been filed seeking a direction to the first respondent to register a First Information Report based on the complaint dated 21.12.2015 and investigate the same in accordance with law.

2. In the petition, it has been stated that the petitioner is a resident of the premises bearing Door No.144, Poonamallee High Road, Kilpauk, Chennai, consisting of ground and first floor and the first floor is having access from inside the house. According to the petitioner, she is in possession of the property, which was inherited

by her father one K.C.S.Panchakshri. The petitioner has been residing in the premises along with her son. The further case of the petitioner is that one Rajkumar, who was permitted to occupy the first floor portion of the premises, had created various types of nuisance to the petitioner and her son. On 20.12.2015, the said Rajkumar instigated one Ram, who is running a shop near the premises had tried to illegally occupy the ground floor for parking their vehicles and also for dumping water cans. The same was thwarted and prevented with the help of neighbours. Again on 21.12.2015 at about 7.00 a.m, the said Ram along with henchmen tried to intrude into the car shed. When the same was resisted by the petitioner, she was abused in filthy language. According to the petitioner, the said Rajkumar had sent henchmen to commit criminal trespass into the ground floor and thus there was a threat not only to her life but also to her property. Hence, the petitioner lodged a complaint with the first respondent on 21.12.2015. Since there was no action on the part of the police authorities, the petitioner has come up with this present petition.

3. I have heard the learned counsel appearing for the petitioner as well as the learned Additional Public Prosecutor.

4. The learned Additional Public Prosecutor would submit that the matter is purely civil in nature and only in order to give a criminal colour, the present complaint has been lodged with allegation of being threatened and thus strongly opposed for grant of a direction. The learned counsel for the petitioner denied the same and sought for suitable direction.

5. Irrespective of the submissions made on either side, this Court is of the opinion that since the complaint is pending, directs the first respondent to conduct enquiry on the complaint given by the petitioner dated 21.12.2015 and proceed in accordance with law and dispose the same as early as possible.

6. With the above directions, the Criminal Original Petition is disposed of.

Sd/-

Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

srn

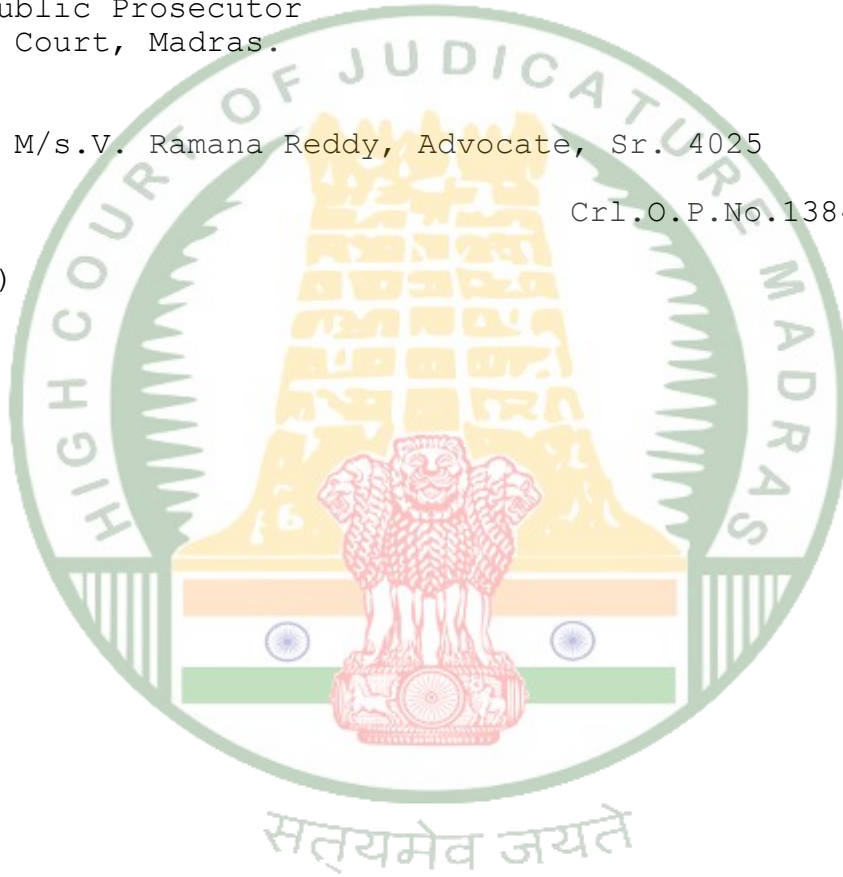
To

1. The Inspector of Police (Law and Order)
G3, Kilpauk Police Station,
Kilpauk, Chennai 600 010
2. The Commissioner of Police,
Office of the Commissioner of Police,
Vepery, Chennai 600 007
3. The Public Prosecutor
High Court, Madras.

1 cc to M/s.V. Ramana Reddy, Advocate, Sr. 4025

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