

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.07.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP No.14083 of 2016
and Crl.M.P.No.7176 of 2016

G.Surya

..Petitioner

Vs

1.State rep by its
Deputy Commissioner of Police
O/o the Deputy Commissioner of Police
E-1 Mylapore Police Station
Chennai 600 004.

2.The State rep by
The Inspector of Police
E-5, Pattinapakkam Police Station
Chennai 600 024.

3.R.S.Rajasekar

... Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to direct the respondents to conduct enquiry in the petitioner's complaint dated 01.07.2016 and register FIR in the same in accordance with law.

For Petitioner : Mr.M.V.Govardhanan
for Mr.R.Gopinath
For R1 and R2 : Mr.C.Emalias,
Addl.Public Prosecutor

O R D E R

This petition has been filed to direct the respondents to conduct enquiry on the petitioner's complaint dated 01.07.2016 and register FIR in the same in accordance with law.

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

3. It is seen that one R.S.Rajasekar filed Crl.O.P.No.13091 of 2016 for the following prayer:

"Criminal Original Petition filed under Section 482 of Cr.P.C. to direct the respondents to take action and to provide adequate police protection to install the electric motor pump in the premises at Old No. 24, New No.53, Lazarus Church Road,

Mandavelipakkam, Chennai-28 in the light of the order dated 10.06.2016 made in M.P.No.210/2016 in RCOP No.401/2016 passed by the Hon'ble XVI Special Causes Court, Chennai on the basis of the petitioner's complaint dated 18.06.2016."

This Court passed the following order on 23.06.2016 in Crl.O.P.No.13091 of 2016:

"5. Under such circumstances, the petitioner is directed to go in-person and lodge a fresh complaint to the 2nd respondent along with this order and on such complaint being given, the same shall be enquired into in accordance with law and necessary protection should be afforded to the petitioner for executing the orders of the Court.

With the above direction, this petition is closed."

4. On the strength of this order, the said R.S.Rajasekar appears to have attempted to put a borewell, which has been objected by G.Surya. On the complaint dated 01.07.2016 given by G.Surya, the respondent police intervened and took an undertaking from R.S.Rajasekar, that he will not proceed with the installation work and would await Court orders. While so, G.Surya has filed the present application for direction to conduct enquiry on his complaint dated 01.07.2016.

5. In Crl.O.P.No.13091 of 2016, this Court has not granted permission to R.S.Rajasekar to install a new borewell. This Court had only directed him to give a fresh representation and had further directed the respondent police to conduct an enquiry and only thereafter, afford police protection for executing the orders of the Rent Control Court. Therefore, the order passed by this Court in Crl.O.P.No.13091 of 2016 cannot be misinterpreted to mean that this Court has granted permission to R.S.Rajasekar to install a new borewell.

6. Learned Additional Public Prosecutor submitted that R.S.Rajasekar has not given any fresh complaint as directed by this Court in the order dated 23.06.2016 in Crl.O.P.No.13091 of 2016. But, on the complaint dated 01.07.2016 given by the petitioner, petition enquiry is pending in CSR No.198 of 2016. Under such circumstances, this Court directs the respondent police to conduct enquiry and ensure that there is no law and order problem in the premises and that the parties are advised to obtain suitable orders from the competent Court.

With the above direction, this petition is closed.
Consequently, connected miscellaneous petition is also closed.

Sd/-
Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

gms

To

1.The Deputy Commissioner of Police
O/o the Deputy Commissioner of Police
E-1 Mylapore Police Station
Chennai 600 004.

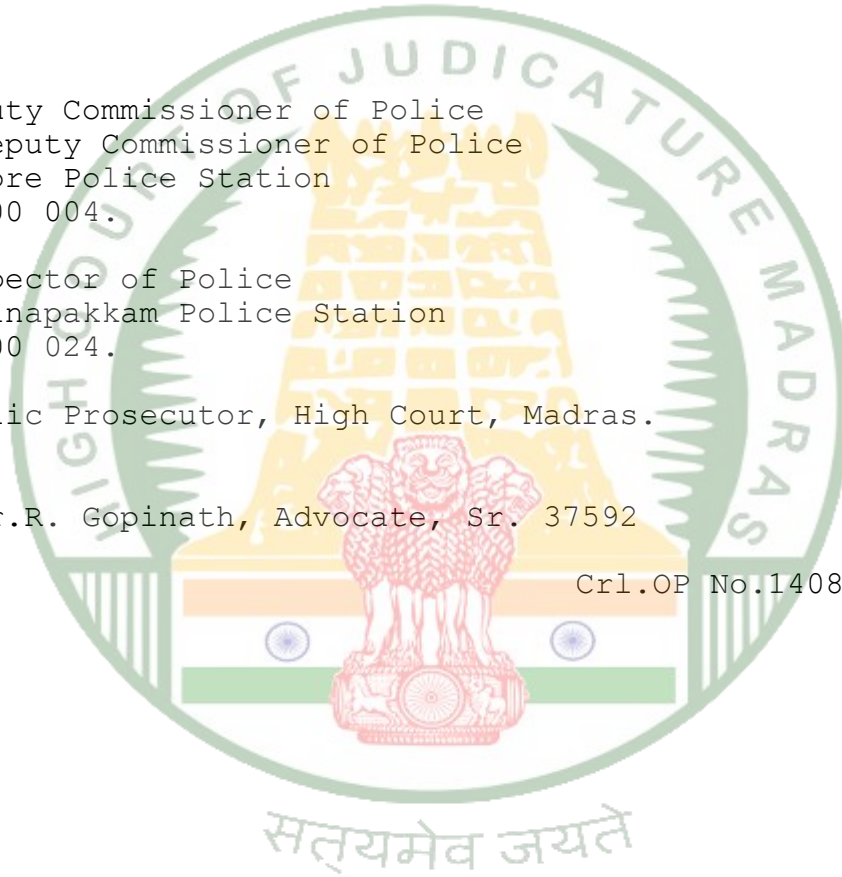
2.The Inspector of Police
E-5, Pattinapakkam Police Station
Chennai 600 024.

3.The Public Prosecutor, High Court, Madras.

1 cc to Mr.R. Gopinath, Advocate, Sr. 37592

Cr1.OP No.14083 of 2016

PVS (CO)
kk 23/7



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