

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2016

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.OP.No.14889 of 2016

V.Ethirajan

..Petitioner

Vs.

1.State rep. by

The Deputy Commissioner of Police,
Triplicane District,
Office of the Deputy Commissioner of Police,
Chintadripet,
Chennai.

2.The Inspector of Police,

F-3, Nungambakkam Police Station,
Chennai.

..Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to direct the first respondent herein to register the case on the complaint of the petitioner dated 08.07.2016 and to take appropriate action on the complaint of the petitioner.

For Petitioner : Mr.A.Vetriselvan

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

O R D E R

The Criminal Original Petition has been filed to direct the first respondent to register an FIR on the complaint dated 08.07.2016, given by the petitioner.

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

3. On a reading of the complaint dated 08.07.2016, it is seen that this petitioner was evicted under due process of law by Court decree and it is alleged by the petitioner that during execution proceedings, the articles owned by him were removed, and instead of vacating the Scheduled mentioned property, excess portion of his land property was taken possession and even some of his documents have been taken by the opposite party.

4. In the considered opinion of this Court, eviction has been done, pursuant to the decree passed by the Competent Court, and if there is any illegality in the said eviction, the police cannot enquire into it. It is open to the petitioner to approach the concerned Court, which had issued the warrant.

5. Hence, no positive direction can be issued to the respondent Police to register a case, on the complaint given by the petitioner.

In view of the above, this Criminal Original Petition is closed with liberty to the petitioner to work out his remedy in the manner known to law.
ds

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To:

- 1.The Deputy Commissioner of Police,
Triplicane District,
Office of the Deputy Commissioner of Police,
Chintadripet,
Chennai.
- 2.The Inspector of Police,
F-3, Nungambakkam Police Station,
Chennai.
- 3.The Public Prosecutor, High Court, Madras.

+ 1 cc to Mr.A.Vetriselvan, Advocate SRNO 42735[28/7/16]

KR/26/7/16

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