

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.01.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

CrI.O.P.No.1611 of 2016

Nirmala

.. Petitioner

.Vs.

The Inspector of Police,
Town Police Station,
Arakkonam Town Police Station,
Vellore District.

... Respondent

Criminal Original Petition filed under Section 482 of Cr.P.C.to direct the respondent to enquire the complaint dated 11.01.2016 pending on the file of the respondent and register the FIR against the said person.

For petitioner : Mr.N.Subramani

For Respondents : Mr.C.Emalias
Addl.Public Prosecutor

O R D E R

The present Criminal Original Petition has been filed to direct the respondent to enquire the complaint dated 11.01.2016 pending on the file of the respondent and register the FIR against the said person.

2. The petitioner's husband is affected by polio. The petitioner begot two minor girl children. She belongs to Schedule Caste community and she had put up a thatched house in Door No.399, Cheyyur village, Arakkonam Taluk. There are several houses situated around her house and they have also got electricity connection, family card and other facilities. The petitioner's husband applied for patta and electricity connection to her house. It is the allegation of the petitioner that since the illegal demand of money made by the President of Village Panchayat was not met out by her, the electricity connection was not granted. As per the Government Order No.340 dated 30.12.2007, the encroachers who are occupying and living in a promoboke land for more than five years except the water reservoirs are entitled to get free patta and electricity service connection. The property occupied by the

petitioner's family is Battai Poromboke land. Since the Tahsildar, Arakkonam failed to issue patta in favour of the petitioner's husband, he filed W.P.No.28675 of 2012. This Court, by an order dated 25.09.2015 directed the Tahsildar, Arakkonam to consider the writ petitioner's representation within a period of eight weeks. The petitioner also submitted another representation along with the copy of the order to the authorities. In the meanwhile, on 11.01.2016 at 9.30 a.m., when the petitioner had been to the market, the President, Cheyyur Panchayat and his supporters damaged the petitioner's house and also household articles. Hence the petitioner lodged a complaint with the respondent police. Though a C.S.R.No.24 of 2016 has been assigned on the complaint of the petitioner, no action has been taken. Hence, the petitioner has come forward with the present criminal original petition.

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

4. The learned Additional Public Prosecutor submitted that C.S.R.No.24 of 2016 has been assigned on the complaint given by the petitioner's husband and a detailed enquiry was conducted. The counter petitioner agreed to repair the house on his own cost. Hence the complaint has been closed.

5. The learned counsel for the petitioner denied the same and submitted that till now the petitioner has not agreed for any settlement. Moreover, the counter petitioner has not come forward to do repair works so far.

6. Irrespective of the submission, this Court is of the opinion that since already CSR.No.24 of 2016 has been closed by the respondent police after conducting enquiry, now this Court can not give a direction to the respondent to proceed with CSR. Hence, this Criminal Original Petition is dismissed. However, the petitioner is at liberty to work out her remedy by filing a private complaint under Section 156(3) Cr.P.C.

Sd/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

kkd

To

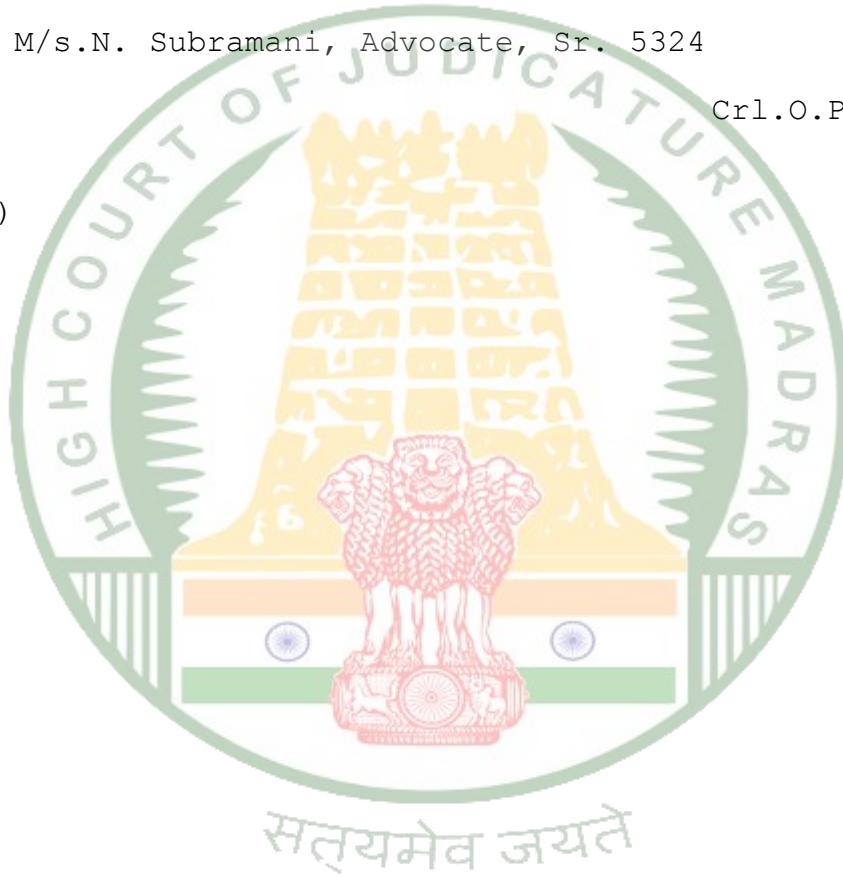
1.The Inspector of Police,
Town Police Station,
Arakkonam Town Police Station,
Vellore District.

2.The Public Prosecutor,
High Court, Madras.

1 cc to M/s.N. Subramani, Advocate, Sr. 5324

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