

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.01.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.1617 of 2016

K.Nirmal Kumar

.. Petitioner/Complainant

.Vs.

The State Represented by
The Inspector of Police,
Sankar Nagar Police Station,
Pammal - Tambaram Taluk,
Kancheepuram District.

.. Respondent/Respondent

Criminal Original Petition filed under Section 482 of Cr.P.C.to direct the respondent to register the complaint filed by the petitioner dated 12.11.2015 and to investigate the crime and to file a final report before the competent Court of law.

For petitioner :Mr.G.Sankaran,

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

O R D E R

The present Criminal Original Petition has been filed by the petitioner praying to direct the respondent-Police to register the complaint given by the petitioner dated 12.11.2015 and to investigate the crime and to file a final report.

2.In the affidavit filed in support of this petition, it has been averred by the petitioner as follows:-

During the year 1993, the petitioner was allotted with a house site measuring to an extent of 3 cents in S.No.2/Pt, Plot No.'C' Pasumbon Nagar, Pammal Village, Tambaram Taluk, by the District. Similarly, the petitioner's brother Sundarapandian and his sisters Mrs.Bahavani and Mrs.Bharathi were also allotted with the house sites. Thus, the petitioner, his brother and sisters have become assignee of the subject land and they are payment the property tax continuously for the

allotted sites. While so, during the year 2000, one Mr.Krishnan, Vasantha, Krishnakumar, Siva & Sakthi made an attempt to trespass into the land assigned to the petitioner; however, the said attempt was prevented by the petitioner. In this regard, the petitioner long with others filed a Civil Suit in O.S.No.660 of 2000 before the District Munsif Court, Alanthur, wherein interim injunction was granted. But, subsequently, it was found that the said Civil Suits were dismissed for non-prosecution and the same was informed to the petitioner belatedly. It is further stated by the petitioner that the Special Tahsildar (Assignment), Saidapet has also issued proceedings dated 09.05.1999 for no objection to get loan in respect of allotted sites. When that being the position, now, with sole intention to grab the property, the counter petitioners threatened the petitioner and his family members with dire consequences. Hence, the petitioner has lodged the complaint in this regard on 12.11.2015. Since no action has been taken by the respondent-Police, the petitioner has come forward with the present petition before this Court.

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 the allegations made in the complaint would show that it is only a civil dispute between the parties. Thus, he opposed to give a direction to the respondent-Police.

5.But, the learned counsel for the petitioner denies the statement made by the learned Additional Public Prosecutor and submitted that in the complaint, there is a specific allegation with regard to land grabbing and the threat made by the counter petitioners. Thus, he sought for a suitable direction to the respondent-Police.

6.In view of the submissions made on either side, this court directs the petitioner to give a fresh complaint to the respondent-Police within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the respondent-Police is directed to conduct enquiry and upon enquiry, if materials are gathered indicating commission of any cognizable offence, he is directed to proceed further in accordance with law. If no prima facie case is made out for registering the case, the respondent is directed to pass an appropriate order on the complaint of the petitioner.

With the above terms, the Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

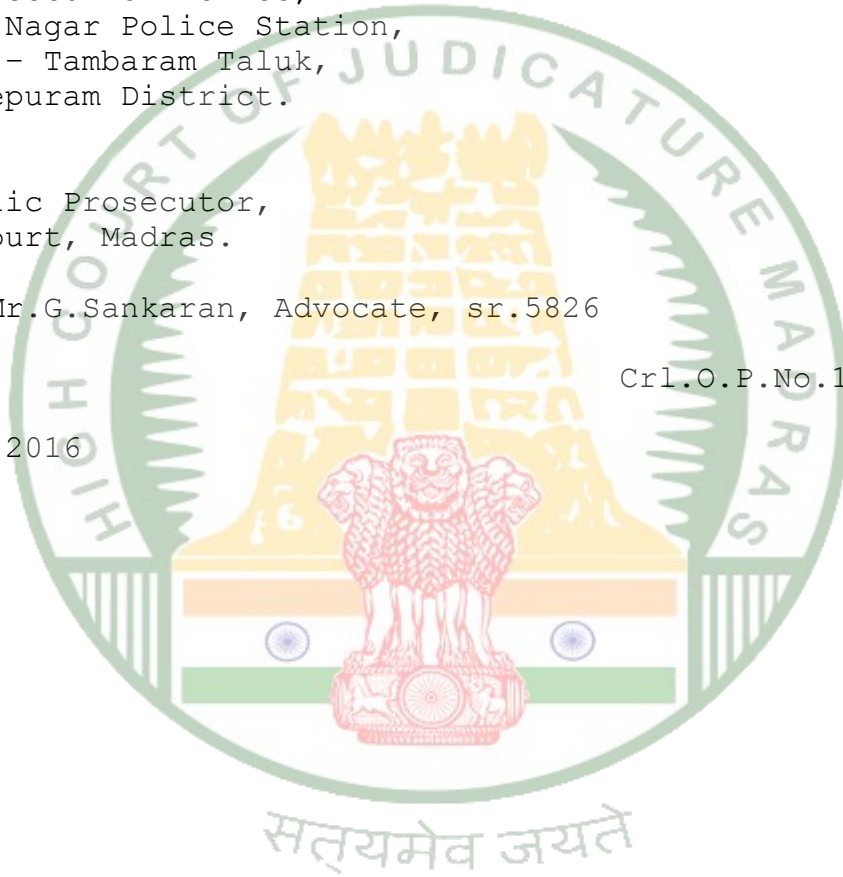
1.The Inspector of Police,
Sankar Nagar Police Station,
Pammal - Tambaram Taluk,
Kancheepuram District.

2.The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.G.Sankaran, Advocate, sr.5826

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