

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.06.2016

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.23899 and 23900 of 2015

P.Ganasekaran

.. Petitioner
in both

Crl.OPs

Vs

1.The State rep. by
The Commissioner of Police,
Greater Chnenai, Vepery,
Chennai.

2.The Inspector of Police,
T-5, Thiruverkadu Police Station,
Chennai.

.. Respondents
in both Crl.OPs

3.K.Anand Kumar

4.K.Kathirvelu

5.M.Packyaraj

.. Respondents
in Crl.OP.23900/15

*R.3 to R5 impleaded as per order
dated 10.6.2016 made in Crl.MP.No.808/15
in Crl.op.23900/15.

Crl.O.P.No.23899 of 2016 : Criminal Original Petition filed
under Section 482 of Cr.P.C., praying to give sufficient
police protection to the petitioner to restore the demolished
factory and recover the stealthily removed factory materials
as per the request and complaint dated 21.08.2015.

Crl.O.P.No.23900 of 2016 : Criminal Original Petition filed
under Section 482 of Cr.P.C., praying to direct the 2nd
respondent to register a case based on the complaint dated
21.08.2015.

For Petitioners : Mr.S.Ramajayam
in both Crl.OPs for Mr.R.Rajesh
Vivekanandhan

For R1 and R2 : Mr.C.Emalias, APP
in both Crl.OPs

C O M M O N O R D E R

Heard the learned counsel for the petitioner; learned Additional Public Prosecutor appearing for the respondents 1 and 2 and perused the materials placed on record.

2. On the complaint lodged by the petitioner, the 2nd respondent police have registered a case in Crime No.1115 of 2014 for the offences under Sections 147, 294[b], 447 and 506 [ii] IPC r/w Section 3 of TNPPDL Act against four persons. Since there is a dispute between the petitioner and his neighbour with regard to certain encroachments, the matter was referred under Section 145 Cr.P.C. to the Executive Magistrate for breach of peace. It is also stated that two civil suits are pending between them before the learned District Munsif, Poonamallee.

3. Apart from the above, it is alleged that the opposite parties have entered into the premises on 20.08.2015 and demolished the structure, for which, a second complaint dated 21.08.2015 has been given by the petitioner to the Inspector of Police at Commissioner Office, Vepery and not to the Inspector of Police, T-5, Thiruverkadu Police Station.

4. Mr.Adiapatham, learned counsel appearing for the opposite parties submitted that the opposite parties also have lodged a complaint, in which, enquiry is pending in CSR.No.518 of 2015.

5. Under such circumstances, liberty is given to the petitioner to lodge a fresh complaint before the Inspector of Police, T-5, Thiruverkadu Police Station, with the very same contents as stated in the previous complaint dated 21.08.2015. The Inspector of Police, T-5, Thiruverkadu Police Station is directed to conduct enquiry on receipt of such fresh complaint and on the complaint lodged by the opposite parties in CSR.No.518 of 2015 and take action in accordance with law, so as to prevent the commission of any further cognizable offence.

With the above direction, this petitions are closed.

Sd/-

Assistant Registrar

/TRUE COPY/

Sub-Assistant Registrar

gya

To

1.The Commissioner of Police,
Greater Chnenai, Vepery,
Chennai.

2.The Inspector of Police,
T-5, Thiruverkadu Police Station,
Chennai.

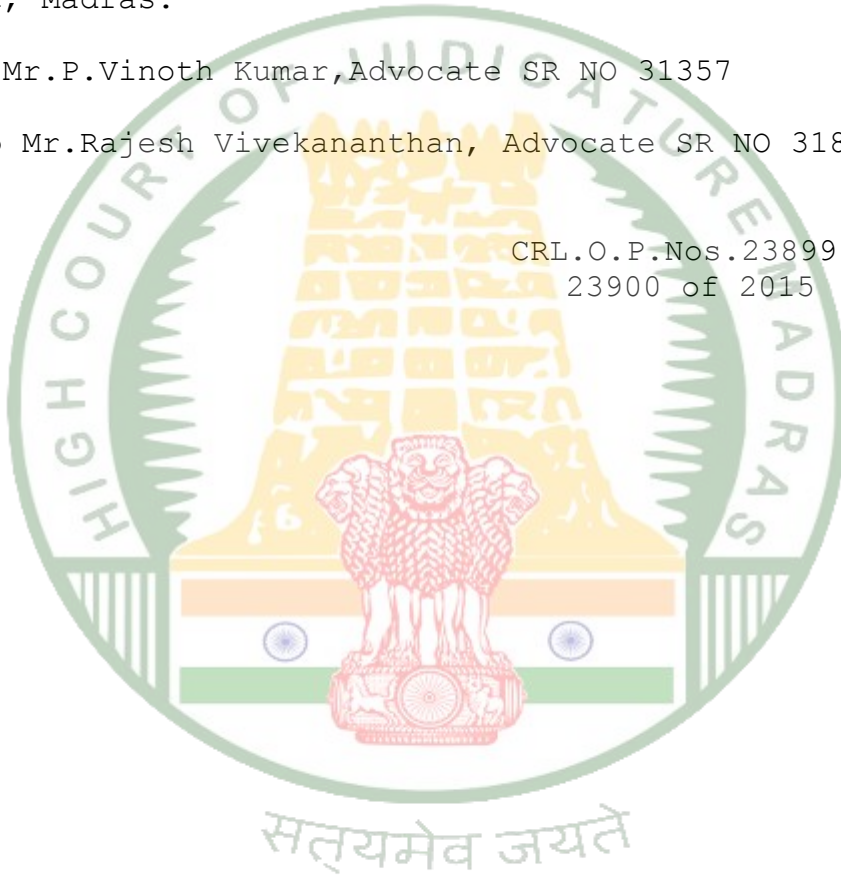
3.The Public Prosecutor,
High Court, Madras.

+ 1 CC to Mr.P.Vinoth Kumar, Advocate SR NO 31357

+ 2 CCs to Mr.Rajesh Vivekananthan, Advocate SR NO 31818

CRL.O.P.Nos.23899 and
23900 of 2015

RSI[CO]
prk/14.7.



WEB COPY