

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 25.01.2016

CORAM

THE HONOURABLE Mr. JUSTICE R.SUBBIAH

CRL.O.P.No.28842 of 2015

NEELKANT NARAYANPUR

... PETITIONER

Vs

THE STATE
REP BY THE INSPECTOR OF POLICE
T-10 NASARATHPETTAI POLICE STATION
POONAMALLEE CHENNAI 123

... RESPONDENT

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the 1st respondent to register the petitioner's complaint dated 01.10.2015 under the CSR.284 of 2015.

For Petitioner : Mr.AR.M.Arunachalam
For Respondent : Mr.C.Emalias, APP

O R D E R

This criminal original petition has been filed seeking direction to the 1st respondent to register the petitioner's complaint dated 01.10.2015 under the CSR.284 of 2015.

2. It is the case of the petitioner that he owns land in survey No.385, Pazhanchur Village, Mevalurkuppam-B, Sriperumbudur Taluk, Kancheepuram District. He came to know that some persons were involved in the process of erection of three thatched houses in the said property. When the same was questioned by the petitioner, people around 40 in numbers, some of them claimed themselves as Advocates, used filthy language against the petitioner and threatened him. In this regard, the petitioner lodged a complaint before the respondent. On receipt of the said complaint, CSR has been assigned by the respondent police in CSR No.284 of 2015. Till date, no action has been taken on the said complaint. Hence, the present criminal original petition has been filed.

3. When the matter was taken up for consideration, learned Additional Public Prosecutor submitted that during the course of enquiry by the respondent police, it came to know that three civil cases in OS.Nos.472, 474 and 476 of 2013 are pending with regard to the above said property before the learned Additional District Munsif Court, Poonamallee. He further submitted that the allegation in the complaint is only in respect of civil dispute and thus, he opposed to grant direction.

4. Learned counsel for the petitioner denies the submission of the learned Additional Public Prosecutor and submitted that a specific allegation of being threatened was made in the complaint and further the petitioner is prepared to produce all the necessary documents in support of his allegation and therefore, he sought for a suitable direction.

5. In view of the above, this Court is of the view that, since the value of the subject matter property is more than Rs.15Crores, the respondent police is not competent to enquire in to the matter and the petitioner is directed to give a fresh complaint to the Deputy Commissioner, City Crime Branch, Chennai, within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the Deputy Commissioner, City Crime Branch is directed to nominate the Inspector of Police, who shall enquire into the matter and proceed further in accordance with law. During the course of investigation, if the investigation officer comes to a conclusion that the matter is purely civil in nature, he is directed to pass an appropriate order on the said complaint.

The Criminal Original Petition is disposed of accordingly.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Deputy Commissioner
City Crime Branch
Chennai

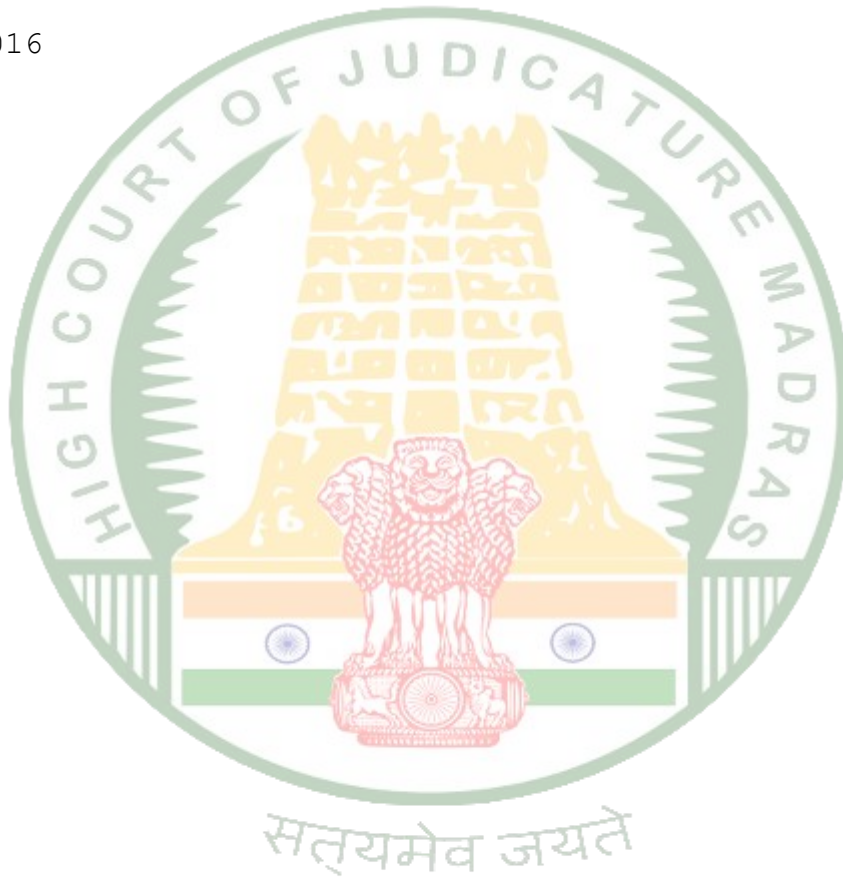
2 THE INSPECTOR OF POLICE
T-10 NASARATHPETTAI POLICE STATION
POONAMALLEE CHENNAI 123

3 THE PUBLIC PROSECUTOR
HIGH COURT MADRAS

+1 cc to Mr.AR.M.Arunachalam Advocate sr.4317

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