

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Crl.O.P.Nos.29022 of 2015 & 30042 of 2015

Crl.O.P.No.29022 of 2015

V.Suresh Bau

... Petitioner

Vs

1. The Commissioner of Police,
Chennai Metropolitan Police,
Vepery, Chennai - 600 007.
2. The Inspector of Police,
G.5 Secretariat Colony Police Station,
Chennai.

... Respondents

Crl.O.P.No.30042 of 2015

Fr.Ignatius Thomas

... Petitioner

Vs

1. The State,
The Commissioner of Police,
Commissioner Office,
No.132, EVK Sampath Salai,
Vepery, Chennai - 600 007.
2. The Inspector of Police,
G.5 Secretariat Colony Police Station,
Baracca Road, Kilpauk,
Chennai - 600 010.

3. Suresh Babu

4. Selvanayagi @ Chinnaponnu

... Respondents

Prayer in Crl.O.P.No.29022 of 2015

This Criminal Original Petition has been filed under
Section 482 Cr.P.C. seeking a direction to the second respondent

to register a case on the complaint dated 06.11.2015 given by the petitioner and investigate according to law expeditiously.

Prayer in Crl.O.P.No.30042 of 2015

This Criminal Original Petition has been filed under Section 482 Cr.P.C. seeking a direction to the first and second respondents to protect the church campus and its valuable articles and to register a FIR under section 380 (Theft in a Building), 417 (Cheating), 426 (Mischief), 447 (Criminal Trespass), 464 (Making false document), 469 (Forgery for purpose of cheating), 471 (Using as genuine a forged document or electronic record), 467 (Knowing it to be forgery and intending to use it as genuine of I.P.C. and investigate the matter based on the complaint dated 05.11.2015 and make an enquiry within the time framed by this Court.

For Petitioner in Crl.O.P.No.29022
of 2015 and 3rd and 4th respondents
in Crl.O.P.No.30042 of 2015 : Mr.V.G.Anbarasu

No appearance of the
petitioner in
Crl.O.P.No.30042 of 2015

For Respondents in Crl.O.P.No. : Mr.C.Emalias
29022 of 2015 and for Additional Public Prosecutor
Respondents 1 and 2
in Crl.O.P.No.30042 of 2015

C O M M O N O R D E R

The present criminal original petitions have been filed to direct the respondents to register a case on the complaints given by the petitioners and to investigate according to law.

2. The petitioner in Crl.O.P.No.29022 of 2015 has stated that that he is the sole and absolute owner of the land and building bearing Door No.148/55A, Othavadai Street, Nammalvarpettai, Chennai - 600 012. The said property measuring to an extent of 595 square feet was purchased from one K.Selvanayaki, Wife of Kandasamy and registered as sale deed bearing document No.5141 of 2014 dated 08.12.2014 before the Sub Registrar at Anna Nagar, Chennai. Thereafter, the house tax, electricity service connection and the licence of the flour mill also has been changed in the name of the petitioner. When the petitioner was repairing the existing building, on 05.11.2015 at about 10.00 a.m., one Faster Amulraj of Sagayamadha Church situated at No.5, Othavadai Street, joined together with

Johnson, Y.Ribinson and one local politician Krishnakumar and brought 100 persons in the name of members of the church, trespassed in to the property of the petitioner and attacked the workers and started demolishing the wall of the building. After knowing the same, the petitioner came to the said place and at that time, they informed that the said property was purchased by them from one Rukmani and others and they threatened the petitioner with dire consequences. Immediately, the petitioner lodged a complaint with the respondent police on the allegation of land grabbing. On receipt of the complaint, C.No.3588 of 2015 has also been assigned. But till date, no action has been taken on the said complaint. Hence the petitioner has come forward with the present petition.

3. The petitioner in Crl.O.P.No.30042 of 2015 has lodged a complaint as against the petitioner in Crl.O.P.No.29022 of 2015 and one Selvanayagi @ Chinnaponnu and sought for direction of this Court to register a case on the complaint given by the petitioner. But there is no representation for the petitioner.

4. I have heard the learned counsel appearing for the petitioner in Crl.O.P.No.29022 of 2015 and the learned Additional Public Prosecutor appearing for the respondents in both the petitions.

5. When the matter was taken up for consideration, the learned Additional Public Prosecutor submitted that petitioner in Crl.O.P.No.30042 of 2015 has lodged a complaint as against the petitioner in Crl.O.P.No.29022 of 2015 and same has been assigned C.S.R.No.933 of 2015 and the said matter is also pending for enquiry.

6. In view of the submission of the learned Additional Public Prosecutor that petitioner in Crl.O.P.No.30042 of 2015 has also filed a complaint as against the petitioner in Crl.O.P.No.29022 of 2015, this Court is constrained to pass the following order :

This Court directs the second respondent in both the petitions to conduct enquiry on the complaint given by the petitioner in Crl.O.P.No.29022 of 2015 dated 06.11.2015 and the complaint given by the petitioner in Crl.O.P.No.30042 of 2015 dated 05.11.2015 in C.S.R.No.933 of 2015 and upon enquiry, if materials are gathered indicating commission of any cognizable offence, he is directed to proceed further in accordance with law.

7. These criminal original petitions are disposed of accordingly.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

vrc

To

1. The Commissioner of Police,
Chennai Metropolitan Police,
Commissioner Office,
No.132, EVK Sampath Salai,
Vepery, Chennai - 600 007.
2. The Inspector of Police,
G.5 Secretariat Colony Police Station,
Chennai.
3. The Public Prosecutor,
High Court, Madras.

+1cc to M/s.Axilia Peter, Advocate, S.R.No.1193
+2cc's to Mr.V.G.Anbarasu , Advocate, S.R.Nos.1137 & 1136

Cr1.O.P.Nos.29022 of 2015 & 30042 of 2015

MG(CO)
CA(04/02/2016)

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