

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.29708 of 2015

D.C.Dhamotharasamy

... Petitioner

Vs

The State rep. by  
Sub-Inspector of Police,  
Thudiyalur Law and order Police Station,  
Kovai - 641 034

.... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondent to register the petitioner's complaint dated 26.12.2013 made to the respondent immediately and to investigate the same in accordance with law.

For Petitioner : Mr.K.Sudhakar  
For respondent : Mr.C.Emalias, APP

O R D E R

The present criminal original petition has been filed to direct the respondent to register the petitioner's complaint dated 26.12.2013 .

2. The petitioner is having a land to an extent of 57 cent and 348 sq.ft in S.No.564/3 and also having another portion of a land in S.No.568/3 at Kurudampalayam village, North Kovai. Both the lands were purchased by the petitioner vide document No.14772/2007 and 14771/2007 at Sub-register Office, Periyanakanpalayam. While being so, on 22.12.2013, when the petitioner inspected his property, he found that Balu, Venugopal, B.Thayagarajan, Kanagapusbam, Srinivasan had encroached the petitioner's land. When the petitioner questioned the said persons about the illegal encroachment, they abused the petitioner in filthy language and also threatened him with dire consequences. Hence, the petitioner has lodged a complaint against them on 22.12.2013. But, no action was taken on the said complaint. Thereafter, he gave another complaint on 26.12.2013 to the respondent through register post. But, till date, no action was taken on the said complaints. Hence, the present Criminal Original Petition has been filed.

3. When the matter is taken up for consideration, the learned Additional Public Prosecutor submitted that the complaint was lodged in the year 2013. For the past two years he has not taken any steps to follow up the said complaint. The complaint given by the petitioner would show that the matter is civil in nature. Thus, he opposed for giving direction. The learned counsel for the petitioner denies the same and sought for direction.

4. Considering the submissions made on either side, this court directs the petitioner to give a fresh complaint along with a copy of this order to the respondent within a period of one week from the date of receipt of a copy of this order. On receipt of such complaint, the respondent 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, as early as possible. During the course of investigation, if the respondent comes to a conclusion that the matter is purely civil in nature, he is directed to pass an appropriate order on the complaint given by the petitioner.

5. This criminal original petition is disposed of accordingly.

Sd/-  
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

1.The Sub-Inspector of Police,  
Thudiyalur Law and order Police Station,  
Kovai - 641 034

2. The Public Prosecutor,  
High Court, Madras.

+1cc to Mr.K.Sudhakar, Advocate sr.310

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srg 20/01/2016