

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.30185 of 2015

Rajendra Kumar

... Petitioner

Vs

The Inspector of Police,
Villiyannur Police Station,
Villiyannur,
Pondicherry.

..... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondent herein to register an FIR on the complaint dated 07.10.2015 on the file of the respondent herein and proceed in accordance with law.

For Petitioner : Mr.Krishna Ravindran

For Respondent : Mr.A.Balamurugane
Additional Public Prosecutor(P).

O R D E R

This petition has been filed to direct the respondent herein to register an FIR on the complaint dated 07.10.2015 on the file of the respondent herein and proceed in accordance with law.

2. The petitioner lodged a complaint against one Divya on the allegation that she along with henchmen criminally trespassed into the petitioner's property and caused damage extensively. Since no action was taken on the complaint given by the petitioner, the present petition has been filed.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

4. Learned Additional Public Prosecutor submitted that already civil suit is pending between the parties before the Civil Court and the matter appears to be civil in nature. Hence, he opposed the grant of direction by this Court.

5. Learned counsel for the petitioner submitted that there is specific allegation in the complaint that the counter petitioner trespassed into the petitioner's property and assaulted the petitioner and caused damage to the property extensively. Thus, he has sought for a suitable direction from this court.

6. Considering the submissions made on either side, this Court directs the 2nd respondent police to conduct an enquiry on the complaint given by the petitioner and upon enquiry, if the materials are gathered indicating any cognizable offence, he is directed to proceed further in accordance with law. In the course of enquiry, if no prima facie is made out or the matter is civil in nature, he is directed to pass appropriate orders on the complaint made by the petitioner.

7. The criminal original petition is disposed of accordingly.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

vsi

To

1.The Inspector of Police,
Villiyannur Police Station,
Villiyannur,
Pondicherry.

2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.Krishnan Ravindran, Advocate, S.R.No.462

RSY(CO)
EU (12/01/2016)

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