

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

CrI.O.P.No.30474 of 2015

P.Manoharan

... Petitioner /Defacto-
Complainant

Vs

1. State rep. by
The Superintendent of Police,
Thiruvannamalai,
Thiruvannamalai District.
 2. State rep. by
The Deputy Superintendent of Police,
Vandavasi Taluk,
Thiruvannamalai District.
 3. State rep. by
The Inspector of Police,
Thellar Police Station,
Thiruvannamalai District.
- ... Respondents/Complainants

Criminal Original Petition filed under Section 482 Cr.P.C. seeking a direction to the respondent police to register a case on the petitioner's complaint dated 24.11.2015 and investigate the same in accordance with law.

For Petitioner : Mr.V.R.Appaswamee
For Respondents : Mr.M.Mohamed Riyaz,
Govt. Advocate (CrI. Side)

O R D E R

The present criminal original petition has been filed to direct the third respondent police to register a case on the petitioner's complaint dated 24.11.2015 and investigate the same in accordance with law.

2. The petitioner's neighbour one Govindasami had forcibly laid down his pipe line through the petitioner's land by damaging the crops. Hence there was a dispute between the petitioner and the said Govindasami. On 01.10.2014 at about 2.30 p.m., the petitioner in the presence of the Village Administrative Officer, Revenue staffs and Court

officials, was removing the above said PVC pipes. At that time, the said Govindasami and one Mari @ Sachithanantham, Manonmani, Durgadevi, trespassed in to the land of the petitioner and abused the petitioner in filthy language and the said Sachithanantham slapped the petitioner. When the wife of the petitioner came for his rescue, the said Manonmani assaulted the her with a wooden log. Further the said persons gave a life threat to the petitioner and his wife and the said Govindasamy and Sachithanantham molested the petitioner's wife by pulling her saree. In this regard a complaint was lodged on 05.11.2014. But no action has been taken on the said complaint till date. Hence, the petitioner has come forward with the present criminal original petition.

3. I have heard the learned counsel appearing for the petitioner as well as the learned Government Advocate (Criminal Side) appearing for the respondent.

4. The learned Government Advocate (Criminal Side) submitted that as the petitioner had sent the complaint by post, if the petitioner gives a fresh complaint, necessary action will be taken.

5. In view of the submissions made on either side, this court directs the petitioner to give a fresh complaint to the third respondent within a period of one week from the date of receipt of a copy of this order. On receipt of the same, the third 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. If no prima facie case is made out for registering the case, the third respondent is directed to pass an appropriate order on the complaint of the petitioner.

6. This criminal original petition is disposed of accordingly.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

vrc

To

1. The Superintendent of Police,
Thiruvannamalai,
Thiruvannamalai District.
2. The Deputy Superintendent of Police,
Vandavasi Taluk,
Thiruvannamalai District.

3. The Inspector of Police,
Thellar Police Station,
Thiruvannamalai District.

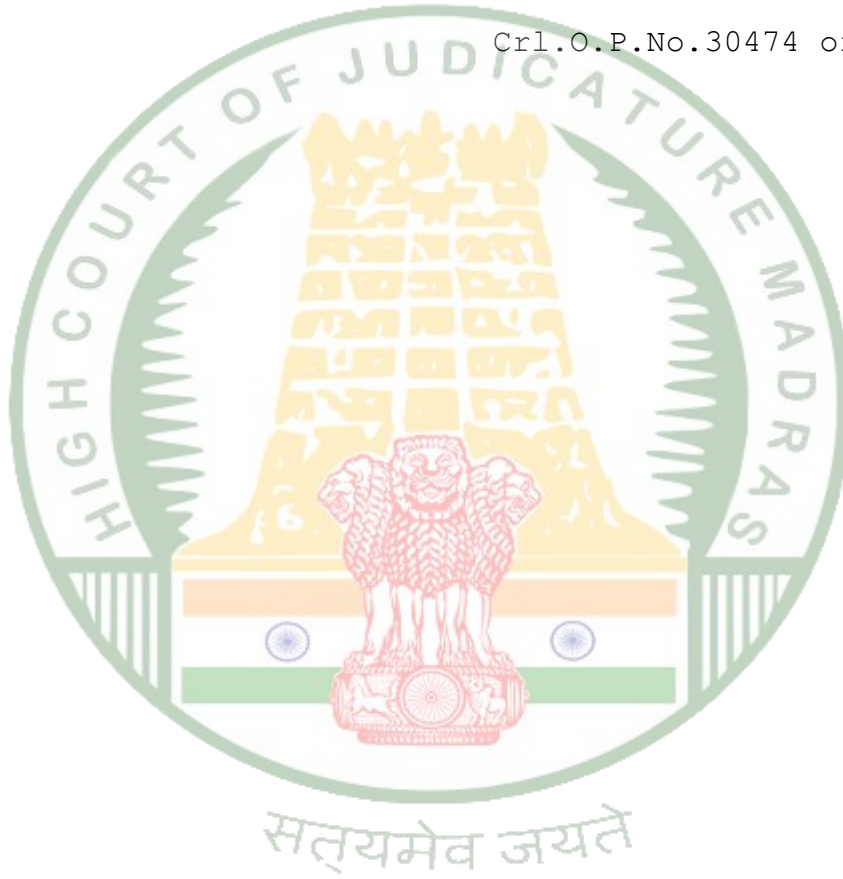
4. The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.V.R.Appaswamee, Advocate Sr.2796/2016

CO-SV

ths : 02.02.2016

Crl.O.P.No.30474 of 2015



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