

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 18.02.2016
CORAM :
THE HONOURABLE MS. JUSTICE R.MALA
Crl.O.P.No.2063 of 2016

P.Ganesan

.. Petitioner

Vs.

State rep. by

1.The Inspector of Police
Anti-land Grabbing Special Cell
Annathanapatti
Salem City.

2.Inspector of Police
Central Crime Branch
Office of the Commissioner of Police
Salem City.

.. Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the respondents to register F.I.R. against the named persons on the basis of the complaint lodged by the petitioner on 24.12.2015.

For Petitioner :Mr.C.Prakasam

For Respondents :Mr.C.Emalias
Addl. Public Prosecutor

O R D E R

The petitioner has come forward with this petition seeking for a direction to the respondents to register F.I.R. against the named persons on the basis of the complaint lodged by the petitioner on 24.12.2015.

2.The learned counsel for the petitioner submitted that the petitioner has lodged a complaint before the respondents on 24.12.2015 stating that originally the properties owned by one Elumalai, who in turn sold the same to the petitioner's mother under the registered sale deed dated 02.03.1976. The petitioner's mother had executed a settlement deed in favour of him on 21.04.2009. But one Jayaraman, who is not owner of the property, had sold a portion of petitioner's property in favour of four different persons. Thereafter, the said parties have entered into the petitioner's property and made criminal intimidation. Hence, the petitioner has given a complaint. But the respondents have not shown any interest to enquire the matter and register the case. So the petitioner

has come forward with this petition for the above stated relief.

3.At this juncture, the learned Additional Public Prosecutor, on instructions, would submit that the petitioner has already filed Crl.O.P.No.31451 of 2013 for the same relief. That application was dismissed with a liberty to the petitioner to work out his remedy in the manner known to law. But the petitioner, without doing so, has given the present complaint and come forward with this petition for the same relief. So the present petition itself is not maintainable.

4.At this juncture, learned counsel for the petitioner submits that the petitioner has worked out his remedy in respect of land grabbing. Now he seeks a direction to the respondents to take action against the said Jayaraman, who made criminal intimidation. So far no case has been registered against him.

5.Heard both sides and perused the materials available on record.

6.On perusal of the complaint, it reveals that the complaint has been given to the Inspector of Police, Anti-land Grabbing Special Cell, Annathanapatti, Salem City and Inspector of Police, Central Crime Branch, Office of the Commissioner of Police, Salem City. It is to be noted that the petitioner has already filed Crl.O.P.No.31451 of 2013 and the same was dismissed with a liberty to the petitioner to work out his remedy in the manner known to law. But the petitioner has given the present complaint to the Anti-land Grabbing Cell. According to the learned counsel for the petitioner, he seeks a direction to register the case only against the I.P.C. offences (i.e.) the criminal intimidation made against the petitioner. But the respondents herein are not competent persons to register the case. However, a liberty is given to the petitioner to approach appropriate forum to work out his remedy.

7.With the above direction, the Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

kj

To

1.The Inspector of Police
Anti-land Grabbing Special Cell
Annathanapatti
Salem City.

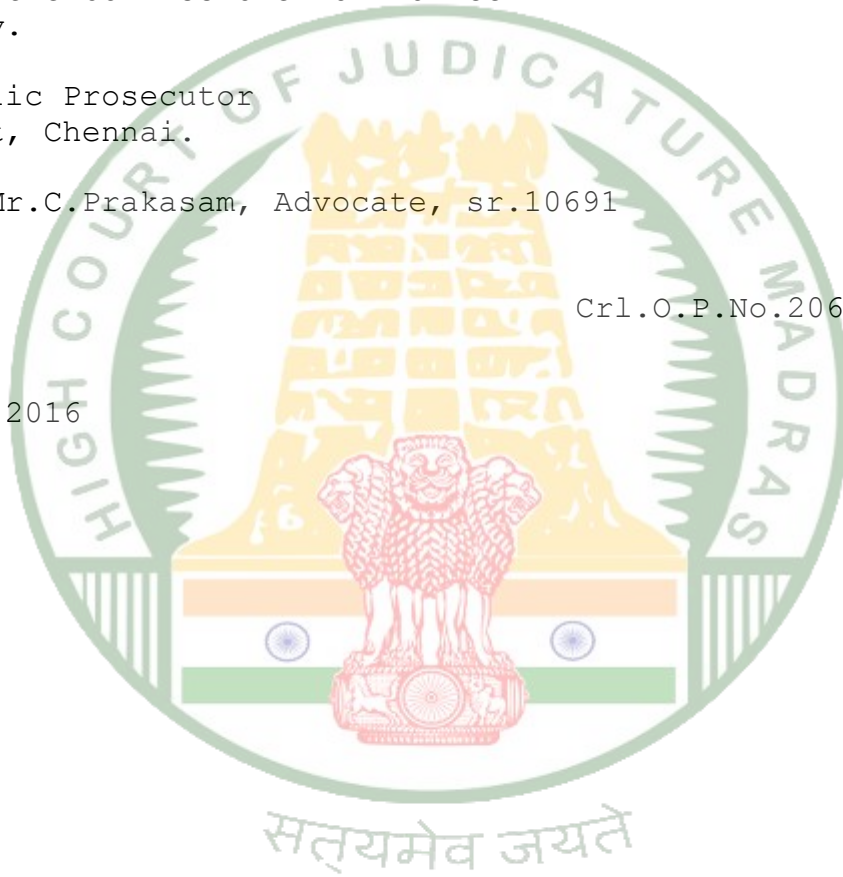
2.Inspector of Police
Central Crime Branch
Office of the Commissioner of Police
Salem City.

3.The Public Prosecutor
High Court, Chennai.

+1 cc to Mr.C.Prakasam, Advocate, sr.10691

Cr1.O.P.No.2063 of 2016

jsv co
kra 26.02.2016



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