

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Crl.O.P.No.2780 of 2016

K.Selvam

... Petitioner

Vs.

- 1.The Superintendent of Police,  
Thiruvannamalai District.
- 2.The Inspector of Police,  
Veraiyur Police Station,  
Thiruvannamalai District.
- 3.The District Collector,  
Office of the District Collector,  
Thiruvannamalai District. ... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the second respondent police to register the petitioner's complaint dated 23.09.2014 (subject matter of CSR.No.370/2014) as an FIR.

For Petitioner :Mr.E.J.Ayyappan

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

सत्यमेव जयते

O R D E R

The petitioner has come forward with this petition seeking for a direction to the second respondent police to register a case pertaining to the petitioner's complaint dated 23.09.2014.

2.The learned counsel for the petitioner submitted that the petitioner has lodged a complaint before the second respondent on 23.09.2014, for which, C.S.R.No.370 of 2014 has been assigned. But the second respondent has not shown any interest to enquire the matter and register the case. Hence, 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 on the basis of the complaint given by the petitioner, petition enquiry has been conducted and closed. He further submitted that during the enquiry, the petitioner has stated that he is ready to approach the civil forum. Hence he pray for dismissal of this petition.

4.Considered the rival submissions made by both sides and perused the typed set of papers.

5.The petitioner herein filed a suit in O.S.No.540 of 1998 for permanent injunction and that has been decreed. Against which, appeal has been preferred and the same has been allowed. Against which, the father of the petitioner filed a second appeal in S.A.No.982 of 2002 and the same has been partly allowed. Further, in the second appeal it was specifically stated that the Government or Statutory Body is at liberty to invoke the proceedings under the Land Acquisition Act. But on perusal of the complaint, it is seen that the petitioner sought for removal of the encroachment made by the Government and also for delivery of possession. So, on the basis of the complaint it is seen that it is purely civil in nature. Hence, I do not find any merits in this Criminal Original Petition and the same is hereby dismissed.

6.In the result, the Criminal Original Petition is dismissed. However, the petitioner is at liberty to approach the appropriate forum for remedy.

-s/d-  
Assistant Registrar

True Copy

Sub-Assistant Registrar

cse  
To

1.The Superintendent of Police,  
Thiruvannamalai District.

2.The Inspector of Police,  
Veraiyur Police Station,  
Thiruvannamalai District.

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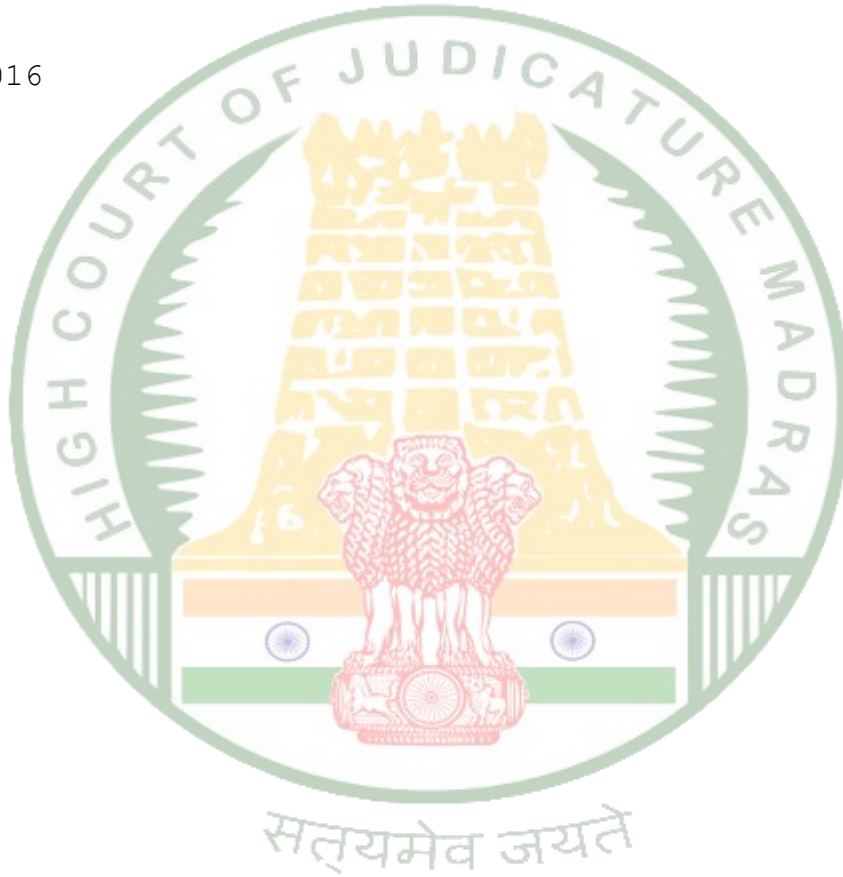
3.The District Collector,  
Office of the District Collector,  
Thiruvannamalai District.

4.The Public Prosecutor  
High Court, Chennai.

+1 cc to Mr.E.J.Ayyappan Advocate sr.8332

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