

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Crl.O.P.No.2966 of 2016

Sumathi

... Petitioner

Vs.

The State represented by
The Inspector of Police,
T5 Thiruverkadu Police Station,
Chennai - 600 077.

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the respondent to register a case based on the complaint dated 16.10.2015.

For Petitioner : Dr.Daniel

For Respondent : Mr.C.Emalias
Additional Public Prosecutor

O R D E R

The petitioner has come forward with this petition seeking for a direction to the respondent police to register a case pertaining to the petitioner's complaint dated 16.10.2015.

2.The learned counsel for the petitioner submitted that the property was owned by her father and her junior paternal uncle attempted to interfere her possession. Hence, she filed a suit in O.S.No.353 of 2010 of partition and separate possession of her 1/4 share in the property stating that the settlement deed dated 04.03.2008 in respect of the plaintiff's 1/4 share is null and void. Against which, appeal has been preferred. Now, the petitioner has given a complaint dated 16.10.2015, wherein she has stated that the counter petitioner attempted to make criminal intimidation. He further submitted that even though on the basis of the complaint given by the petitioner on 16.10.2015, C.S.R.689/T5PS/15 has been assigned, the 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. Resisting the same, the learned Additional Public Prosecutor, on instructions, would submit that on receipt of the complaint, C.S.R.689/T5PS/15 has been issued and after due investigation, it was closed on 01.11.2015 stating that on enquiry, the counter petitioner has stated that he had no objection for the petitioner to visit the property, but however he is going to file an appeal against the judgment passed in O.S.No.353 of 2010 on the file of the Principal District Munsif, Poonamallee. The petitioner has also not pressed the complaint and on that basis, the complaint was closed.

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

5. The petitioner filed a suit in O.S.No.353 of 2010 on the file of the Principal District Munsif Court, Poonamallee for declaration that the settlement deed executed in favour of the defendants 1 and 2 in respect of 1/4 share of the petitioner is null and void. Decree has been passed in favour of the petitioner. Against which, appeal has been preferred and so, the matter has to be decided before the Civil Forum. Already both the parties were called and enquiry has been conducted. Since the counter petitioner wants to pursue the matter in the Civil forum, he gave an undertaking that he will not make any criminal intimidation. Further, the petitioner himself has withdrawn the complaint. In such circumstances, this Criminal Original Petition deserves to be dismissed.

6. In the result, the Criminal Original Petition is dismissed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

cse
To

1. The Inspector of Police,
T5 Thiruverkadu Police Station,
Chennai - 600 077.
2. The Public Prosecutor
High Court, Chennai.

+1cc to Dr.Daniel, Advocate, S.R.No.13539

Cr1.O.P.No.2966 of 2016

EV(CO)
CA(16/02/2016)