

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Crl.O.P.No.3247 of 2016

1.P.Chandirakasan

2.P.Kannusamy

..Petitioners

Vs.

1.The Superintendent of Police,
Cuddalore District.

2.The Deputy Superintendent of Police,
Virudhachalam.

3.The Sub Inspector of Police,
Karuvepilai Kuruchi,
Cuddalore District.

.. Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the respondent police to register the complaint dated 21.01.2016 given by the petitioners, and file an FIR and also to start the investigation and take necessary action.

For Petitioner : Prof.M.Udaya Bhanu

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 third respondent to register a case pertaining to the petitioner's complaint dated 21.01.2016.

2. The learned counsel for the petitioner submitted that the petitioner has lodged a complaint before the respondents on 21.01.2016. But the respondents have not taken any steps to enquire the matter and register the case. Therefore, 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, enquiry has been conducted and the same was closed on 17.02.2016 since the petitioner has stated that he will work out the remedy before the civil forum. Hence he prayed for dismissal of the petition.

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

5. The petitioners have filed writ petitions in W.P.Nos.38926 and 39977 of 2015 and sought for issuance of patta on two grounds. The first ground is that they have been in enjoyment of the respective lands for a quite number of years and the second ground is that they belonged to schedule caste, eking out their livelihood using the above said lands and accordingly, as per the Government Order, they are entitled for patta. On that basis, a direction has been given to the 6th respondent therein to dispose the representation made by the petitioners. At that time, since the proposed accused attempted to interfere with their peaceful possession, caused damage to the crops and abused the petitioners in filthy language, the first petitioner gave a complaint to the respondents on 21.01.2016, in which, enquiry has been conducted and it was closed on 17.02.2016 as the petitioners have stated that they will work out their remedy before the civil forum. But the averments made in paragraph-2 of the petition has clearly made out the ingredients of offences, that too, special enactment. Hence, I am of the view that it is a fit case for setting aside the closure report.

6. Accordingly, the respondents 2 and 3 are directed to enquire the matter afresh and the first respondent is directed to expedite the enquiry and follow the dictum laid down in Lalitha Kumari vs. Govt. of U.P & others [2013 (4) Crimes 243 (SC) and register a case, if any cognizable offence is made out, it.

7. The Criminal Original Petition is disposed of with the above direction.

kkd

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1.The Superintendent of Police,
Cuddalore District.

2.The Deputy Superintendent of Police,
Virudhachalam.

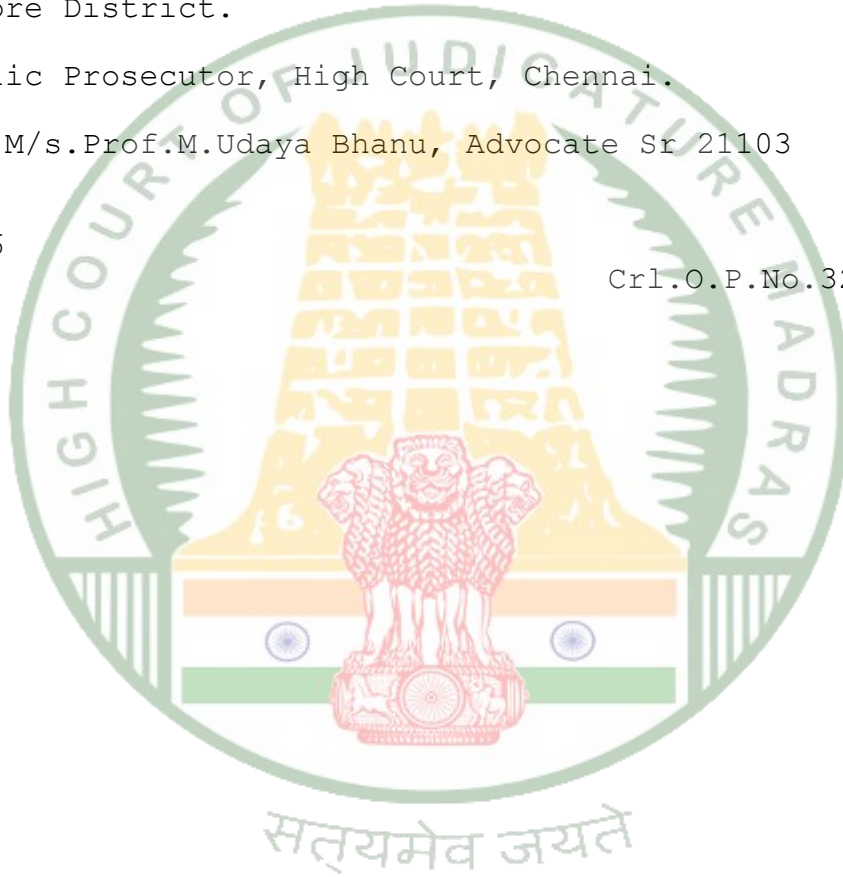
3.The Sub Inspector of Police,
Karuvepilai Kuruchi,
Cuddalore District.

4.The Public Prosecutor, High Court, Chennai.

+ 1 cc to M/s.Prof.M.Udaya Bhanu, Advocate Sr 21103

KR/11/4/16

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