IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Crl.O.P.No.3408 of 2016

Hena Deva Irakkam .. Petitioner

Vs.

1. The Assistant Commissioner of Police,
   Chennai City Police,
   Office of Police Commissioner,
   Chennai - 600 007.

2. The Inspector of Police,
   Central Crime Branch II,
   Land Grabbing Cell - II,
   Vepery, Chennai - 600 007. ..Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to quash the 2nd respondent's order dated 30.10.2015 and consequently direct the second respondent herein to take the complaint lodged by the petitioner dated 17.10.2015 on the file and register an FIR and to file a final report within a stipulated period.

For Petitioner : Mr.G.Jehanathan
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 second respondent to register a case pertaining to the petitioner's complaint dated 17.10.2015.

2.The learned counsel for the petitioner submitted that the petitioner purchased the land property to an extent of 2312.5 sq.ft. at No.13, Purananur Street, Anna Nagar, No.160 Asthinapuram Village, Saidapet Taluk, Chengalpet District in Survey NO.21/1 on 20.02.1992. He further submitted that Patta also stands in the name of the petitioner. But the proposed accused has made a construction in the property of the petitioner. Hence, the petitioner has given a complaint before the first respondent on 17.10.2015 and thereafter, the same has

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been forwarded to the second respondent. But the second respondent has closed the complaint of the petitioner and advised the petitioner to approach the Civil forum. 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 the basis of the complaint given by the petitioner on 17.10.2015, enquiry has been conducted and since the building has been constructed, it was closed. He further submitted that the same has been intimated to the petitioner as evidenced from page No.12 of the typed set of papers. Hence, he pray for dismissal of the petition.

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

5.The petitioner has purchased the property under the registered sale deed dated 20.02.1992 and to prove the same, she has filed Encumbrance Certificate and also Adangal report. But according to the petitioner, the proposed accused has encroached upon the property and made a construction. The second respondent on the basis of the complaint given by the petitioner conducted enquiry and the same was closed since construction has been made. Further, the closure report has also been furnished to the petitioner. In such circumstances, I am of the view that the petitioner ought to file a civil suit for recovery of possession and there is no necessity for reopening the closure report.

6.The Criminal Original Petition is disposed of accordingly.
cse

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To
1. The Assistant Commissioner of Police,
   Chennai City Police,
   Office of Police Commissioner,
   Chennai - 600 007.

2. The Inspector of Police,
   Central Crime Branch II,
   Land Grabbing Cell - II,
   Vepery, Chennai - 600 007.

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3. The Public Prosecutor
   High Court, Chennai.

+ 1 cc to Mr.G.Jehanathan, Advocate SR 10046

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