

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.374 of 2016

S.Anbalagan

... Petitioner

Vs

State, Rep. by its
Inspector of Police,
Minjur Police Station,
Minjur, Thiruvallore District.

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondent police to register the complaint dated 15.9.2015 and file the charge sheet within the stipulated period.

For Petitioner : Mr.S.Ramesh Kumar

For respondent : Mr.C.Emalias,
Addl.Public Prosecutor.

ORDER

The present criminal original petition has been filed seeking a direction to the respondent police to register the complaint dated 15.9.2015 and file the charge sheet within the stipulated period.

2. It is the case of the petitioner that one Babu Mudaliar, Radhakrishnan, the petitioner's mother Pappammal, the petitioner and his brothers and sisters have jointly owned the property at Karungali Village, Thiruvallore District in S.No.14/2 measuring to an extent of 5.34 acres. Out of the said 5.34 acres, the petitioner's family is entitled to 4 acres of land. The said Babu Mudaliar died intestate. Thereafter, the petitioner filed a suit in O.S.No.182 of 2009 as against the legal heirs of said Babu Mudaliar. During the pendency of the said suit, the sons of Babu Mudaliar viz., Megavannan, Mathivanan, Manivannan and Shankar have partitioned some of their properties vide document No.2646/13 dated 6.3.2013 on the file of SRO, Ponneri. While partitioning their properties, the

said four persons have partitioned the petitioner's property also by inserting S.No.14/2 in the said document, with an intention to grab his land. Hence, the petitioner lodged a complaint with the Superintendent of Police, Thiruvallore, who in turn, forwarded the same to the respondent police. But, till date, no action was taken on the said complaint. Hence, the petition.

3. A reading of the allegations made in the complaint would show that the issue involved in this case is purely civil in nature. Therefore, the question of giving direction to the Police to register the complaint does not arise.

4. Under such circumstances, I am not inclined to entertain the prayer made in the petition. Hence, the criminal original petition is dismissed. However, the petitioner is at liberty to work out his remedy in a manner known to law, if he is so advised.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

sbi

To

1.The Inspector of Police,
Minjur Police Station,
Minjur,
Thiruvallore District.

2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Rameshkumar, Advocate, S.R.No.2093

vd (CO)
kra 27/01/2016

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