

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Cr1.O.P.No.4181 of 2016

M.Muthamilselvan

... Petitioner

Vs.

1. The Superintendent of Police,
Cuddalore District Police Office,
Cuddalore District.

2. The Sub-Inspector of Police,
Kammapuram Police Station,
Cuddalore District.

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the respondents to register the FIR on the basis of the petitioner's complaint dated 08.01.2016 in a time bound manner.

For Petitioner : Mr.R.Karunagaran

For Respondents : Mr.C.Emalias
Additional Public Prosecutor

सत्यमेव जयते
O R D E R

The petition is filed for issuing a direction to the respondents to register the F.I.R. on the basis of the petitioner's complaint dated 08.01.2016.

2.Learned counsel for the petitioner submits that the father of the petitioner has purchased the property comprising in S.No.11/2 with an extent 1.1 acres by way of Court auction in E.P.No.547 of 1973 in S.C.No.447 of 1970 and that the petitioner is in possession and enjoyment of the same. Now the proposed accused has attempted to interfere with the petitioner's property by putting up foundation and hence, the petitioner has given the present complaint. But the respondents have not shown any interest to enquire the matter and register the case. Therefore,, the petitioner has come forward with the present petition for the above stated relief.

3.Learned Additional Public Prosecutor submits that based on the petitioner's complaint, enquiry has been conducted. During enquiry, they came to know that there was a poramboke land between the lands of petitioner and counter petitioner and both the parties are claiming title over the poramboke land and not their patta lands. Hence, the matter has been referred to R.D.O., Virudhachalam to look into the same after perusing revenue records.

4.Considering the rival submissions made on both sides, since the petitioner is claiming title only in respect of patta land in S.No.11/2 - 1.01 acres, the second respondent is directed to conduct enquiry and expedite the same 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.

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

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The Superintendent of Police,
Cuddalore District Police Office,
Cuddalore District.
2. The Sub-Inspector of Police,
Kammapuram Police Station,
Cuddalore District.
3. The Public Prosecutor
High Court, Chennai.

+1cc to Mr.R.Karunagaran, Advocate, S.R.No.11946

Cr1.O.P.No.4181 of 2016

VS (CO)
CA(02/03/2016)