

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.419 of 2016

Rajkumar

... Petitioner

Vs

1.The Superintendent of Police,  
Krishnagiri District,  
Krishnagiri.

2.The Inspector of Police,  
Soolagiri Police Station,  
Krishnagiri District.

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C.  
to direct the respondents to register the FIR based on the  
petitioner's complaint dated 07.12.2015.

For Petitioner : Mr.C.Prabakaran

For Respondents : Mr.C.Emalias,  
Additional Public Prosecutor.

O R D E R

This petition has been filed to direct the respondents to  
register the FIR based on the petitioner's complaint dated  
07.12.2015.

2. When the matter is taken up for consideration, learned  
Additional Public Prosecutor submitted that there is a land  
dispute between the petitioner and the counter petitioner and  
the matter appears to be purely civil in nature. In this regrd,  
a civil suit is also pending, between the parties. Therefore,  
the respondent police cannot register a case on the complaint  
given by the petitioner and thus, he opposed the direction as  
prayed for.

3. Learned counsel appearing for the petitioner submitted that there is a specific allegation of threatening the petitioner with dire consequences by the counter petitioner in pursuant to the land dispute.

4. Considering the submissions made on either side, without going into the merits of the claim made by the petitioner, this Court directs the petitioner to give a fresh complaint to the 2<sup>nd</sup> respondent police. On receipt of the said complaint, the 2<sup>nd</sup> respondent police is directed to conduct an enquiry only with regard to the allegation of threat said to have been made by the counter petitioner and upon enquiry, if the materials are gathered indicating commission of any cognizable offence, he is directed to proceed further in accordance with law, as early as possible. In the course of enquiry, if no prima facie is made out or the matter is civil in nature, he is directed to pass appropriate orders on the complaint made by the petitioner.

5. This criminal original petition is disposed of accordingly.

-s/d-

Assistant Registrar(CSV)  
dt:27/01/2016

True Copy

Sub-Assistant Registrar

vsi  
To

1.The Superintendent of Police,  
Krishnagiri District,  
Krishnagiri.

2.The Inspector of Police,  
Soolagiri Police Station,  
Krishnagiri District.

3.The Public Prosecutor,  
High Court, Madras.  
+1 cc to Mr.C.Prabhakaran Advocate sr.1962

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