

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.431 of 2016

M.Rajamani

... Petitioner

Vs

The Inspector of Police,
J.8 Neelangarai Police Station,
Neelangarai, Chennai - 600 115.

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. seeking a direction to the respondent police herein to register F.I.R. under sections 426, 441, 447 and 506(ii) IPC read with Sec.34 IPC on the basis of the petitioner's complaint dated 09.06.2015 and forthwith take action according to law.

For Petitioner : Mr.R.Perumal Swamy
For Respondent : Mr.M.Mohamed Riyaz,
Govt. Advocate (Cr1. Side)

O R D E R

The present criminal original petition has been filed to direct the respondent police herein to register F.I.R. under sections 426, 441, 447 and 506(ii) IPC read with Sec.34 IPC on the basis of the petitioner's complaint dated 09.06.2015 and take action according to law.

2. The petitioner has lodged a complaint as against one Subramanian and Annamalai residing at Door No.4/197, Sekar Nagar, Venkatesapuram 5th Street, Kottivakkam, Chennai and 4/1196, Sekar Nagar, Venkatesapuram 5th Street, Kottivakkam, Chennai respectively, on the allegation that they have trespassed into the petitioner's property and threatened the petitioner and her husband and tried to grab their property. Though the said complaint was lodged on 09.06.2015, no action has been taken on the said complaint till date. Hence, the petitioner has come forward with the present criminal original petition.

3. I have heard the learned counsel appearing for the petitioner as well as the learned Government Advocate (Criminal Side) appearing for the respondent.

4. The learned Government Advocate (Criminal Side) submitted that as the petitioner had sent the complaint by post, if the petitioner gives a fresh complaint, necessary action will be taken.

5. In view of the submissions made on either side, this court directs the petitioner to give a fresh complaint to the respondent within a period of one week from the date of receipt of a copy of this order. On receipt of the same, the respondent is directed to conduct enquiry and upon enquiry, if materials are gathered indicating commission of any cognizable offence, he is directed to proceed further in accordance with law. If no prima facie case is made out for registering the case, the respondent is directed to pass an appropriate order on the complaint of the petitioner.

6. This criminal original petition is disposed of accordingly.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

vrc
To

1. The Inspector of Police,
J.8 Neelangarai Police Station,
Neelangarai, Chennai - 600 115.

2. The Public Prosecutor,
High Court, Madras.

+1 cc to M/s.R.Perumalswamy Advocate sr.2668

Cr1.O.P.No.431 of 2016

sk(co)
aa01/02/2016