

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :06.01.2016

CORAM:

THE HON'BLE MR.JUSTICE R.SUBBIAH

Crl.O.P.No.55 of 2016

G.Nagarajan

... Petitioner

Vs.

1. The Superintendent of Police,
Office of Superintendent of Police,
Dharmapuri-5.
2. The State rep.by Inspector of Police,
Mathikonpalayam Police Station,
Dharmapuri.

... Respondents

Prayer: Petition filed under Section 482 of the Criminal Procedure Code praying to direct the respondents to register the petitioner's complaint dated 19.11.2015 made to the second respondent immediately and to investigate the same in accordance with law.

For Petitioner : Mr.M.Mariappan
For Respondents : Mr.C.Emalias, APP

ORDER

This Criminal Original Petition has been filed by the petitioner praying to direct the second respondent to register a case based on the complaint of the petitioner dated 19.11.2015 and investigate the same in accordance with law.

2.It is seen in the affidavit that the petitioner is doing agriculture work. Being so, one Raji, Ramakrishnan and Vijaya had encroached the way to public as well as the petitioner's access to his property. Therefore, the petitioner had given a representation to the concerned authority mentioning the above said encroachment and the concerned authority had taken action and removed encroachment in the petitioner's area. While so, on 18.11.2015, the above said person Raji came with sickle stating that "he is the cause for removing the encroachment and threatened the petitioner that he will kill him" unfortunately, the petitioner escaped from him. Thereafter, one Kaveri and Sathiyavani came there with weapons and threatened the petitioner that "they will kill him". Therefore, the petitioner

lodged a complaint before the second respondent against the above said persons. On receipt of the same, C.S.R.No.266 of 2015 has been assigned. But, no further action has been taken so far. Hence, the petitioner has filed the present criminal original petition.

3.Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

4.The learned Additional Public Prosecutor submitted that based on the complaint of the petitioner, C.S.R.No.266 of 2015 has been assigned and the same is pending for enquiry.

5.In view of the submissions made by the petitioner as well as the Additional Public Prosecutor, this Court directs the second respondent to conduct enquiry on the complaint of the petitioner dated 19.11.2015 in C.S.R.No.266 of 2015 and upon enquiry, if materials are gathered indicating commission of any cognizable offence, the second respondent is directed to proceed further in accordance with law, as early as possible.

6.This criminal original petition is disposed of accordingly.

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-s/d-

Assistant Registrar(CS-V)

True Copy

Sub-Assistant Registrar

Copy to

1. The Superintendent of Police,
Office of Superintendent of Police,
Dharmapuri-5.

2. The Inspector of Police,
Mathikonpalayam Police Station,
Dharmapuri.

3. The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.M.Mariappan, Advocate SR 167

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