

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

Crl.OP No.663 of 2016

R.Sakthivel
S/o.Ramalingam,
Oonamputhikadu,
Chinnasalem (North) Post,
Chinnasalem Taluk,
Villupuram District.

Petitioner

Vs

1.State by the Superintendent of Police,
Villupuram District.

2.The Deputy Superintendent of Police,
Kallakurichi Post & Taluk,
Villupuram District.

3.The Inspector of Police,
Chinnasalem Police Station,
Villupuram District.

Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., praying to direct the third respondent Police to register complaint under Section 147, 148, 294(b), 447, 426, 506 (ii) of I.P.C., r/w 4 PPD Act based on the petitioner's complaint dated 20.08.2015 to the third respondent police and representations sent by the petitioner dated 21.08.2015 to the 1st & 2nd respondent Police and further consider the legal notice dated 22.08.2015 sent by the petitioner.

For Petitioner :Mr.P.Rajavel

For Respondents :Mr.C.Emalias

Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the third respondent Police to register complaint under Section 147, 148, 294(b), 447, 426, 506(ii) of I.P.C., r/w 4 PPD Act based on the petitioner's complaint dated 20.08.2015 to the third respondent police and representations sent by the petitioner dated 21.08.2015 to the first and second respondents

and further consider the legal notice dated 22.08.2015 sent by the petitioner.

2. The petitioner herein has lodged a complaint as against one Mukan, Govindhan, Ganesan, Ramachandran, Manickam stating that they had trespassed in to the property of the petitioner and caused damage to the PVC pipes in the property of the petitioner. Though the complaint was lodged 20.08.2015, no action has been taken by the third respondent 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 Additional Public Prosecutor appearing for the respondent.

4. The learned Additional Public Prosecutor submitted that as the complaint was sent 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 within a period of one week from the date of receipt of a copy of this order. On receipt of the same, the third 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, the third respondent is directed to pass an appropriate order on the complaint of the petitioner.

6. This criminal original petition is disposed of accordingly.

Sd/-

Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

vrc

To:

1.The Superintendent of Police,
Villupuram District.

2.The Deputy Superintendent of Police,
Kallakurichi Post & Taluk,
Villupuram District.

3.The Inspector of Police,
Chinnasalem Police Station,
Villupuram District.

4.The Public Prosecutor,
High Court, Madras.

1 cc to Mr.P. Rajavel, Advocate, Sr. 2370

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GJ (CO)
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