

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Crl.O.P.No.706 of 2016

V.Krishnakumari

... Petitioner

Vs

1. The Commissioner of Police,
Coimbatore.
 2. The Assistant Commissioner of Police,
Coimbatore South Zone,
Kuniyamuthur Post,
Coimbatore - 641 008.
 3. The Inspector of Police,
Kuniyamuthur Police Station,
Kuniyamuthur Post,
Coimbatore.
- ... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondents to register the case in pursuant to the complaint made by the petitioner on 03.09.2015.

For Petitioner : Mr.H.Nazirudeen

For respondents : Mr.C.Emalias, APP

ORDER

The present criminal original petition has been filed to direct the third respondent to register the petitioner's complaint dated 03.09.2015.

2. The petitioner is living with her husband at Plot no.39, Brindavan Circle South, Kuniyamuthur Post, Coimbatore. The petitioner's sons, namely, V.Sathishkumar is working in the Central Government at New Delhi and V.Sasikumar is working in abroad. Now, the petitioner and her husband alone are living in the said house for the past 8 years. There is a common space measuring to an extent of 3.5 feet, in which the petitioner's sons are holding interest to an extent of 2 feet and the adjacent owner namely one C.K.Basheer holds right to the extent

of 1.5 feet. Taking advantage of the situation of the petitioner, the said Basheer used to pick up unnecessary quarrels with an intention to engulf the passage of 2 feet belonging to the petitioner. Hence, the petitioner lodged a complaint as a power of attorney holder of her sons with the respondent police and the same is pending in CSR.No.36 of 2010. Thereafter, the neighbour of the petitioner had kept quite due to the warning given by the police. But, after some time, they made several attempts to encroach upon the common pathway. Hence, the petitioner filed a civil suit in O.S.No.1578 of 2015 before the District Munsif, Coimbatore. After receipt of summon from the court, the said C.K.Basheer started abusing the petitioner in filthy and unparliamentary words. On 10.08.2015., the said C.K.Basheer with his wife abused the petitioner and her husband in unparliamentary words. The petitioner's husband, who is a heart patient was affected on account of the unbearable mental agony and he was admitted in KMCH Hospital, Coimbatore and the petitioner remained in the hospital attending her husband. While so, taking advantage of the said situation, the said Basheer started putting up compound wall encroaching the entire pathway. When the petitioner questioned the same, the said Basheer and his relatives pushed the petitioner, abused and threatened her. Hence, the petitioner gave a complaint on 03.09.2015. Since no action was taken on the said complaint she filed CrI.O.P. No.30350 of 2015 before this Court to register the complaint dated 03.09.2015. But, by mistake on the side of the police, it was reported before this Court, that the complaint given by the petitioner dated 17.12.2015 has been closed on 19.12.2015. Based on the said statement, CrI.O.P.No.30350 of 2015 has been closed. The said closure of the second complaint dated 17.12.2015 is unrelated to the complaint given by the petitioner dated 03.09.2015. Hence, the present Criminal Original Petition has been filed to register the complaint made by the petitioner on 03.09.2015.

3. I have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

4. Considering the submissions made on either side, this court directs the petitioner to give a copy of the complaint dated 03.09.2015 along with a copy of this order to the third respondent within a period of one week from the date of receipt of a copy of this order. On receipt of such complaint, 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, as early as possible.

5. This criminal original petition is disposed of accordingly.

mrp

s/d-

Assistant Registrar (CS-V)

True Copy

Sub-Assistant Registrar

To

1. The Commissioner of Police,
Coimbatore.
 2. The Assistant Commissioner of Police,
Coimbatore South Zone,
Kuniyamuthur Post,
Coimbatore - 641 008.
 3. The Inspector of Police,
Kuniyamuthur Police Station,
Kuniyamuthur Post,
Coimbatore.
 4. The Public Prosecutor,
High Court, Madras.
- + 1 cc to Mr.H.Nazirudeen, Advocate SR 3398

rsy(co)
prk16/2

Cr1.O.P.No.706 of 2016

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