

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.04.2016

CORAM:

THE HONOURABLE MS.JUSTICE R.MALA

Crl.O.P.No.7062 of 2016

1.Mrs.K.Gowri
2.Mr.K.Hemakumar
3.Mr.K.Suresh @ Lakshmi Narayanan
4.K.Shankar
5.Mrs.K.Maheswari ... Petitioners

Vs.

The Inspector of Police
R-8, Police Station,
Vadapalani, Chennai - 600 026. ... Respondent

Prayer :

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to issue direction to the respondent police to register a case as stated in the complaint dated 31.08.2013 and take appropriate legal action against Mr.S.Y.Eswaran and Mrs.Hemalatha Eswaran in accordance with law.

For Petitioner : Mr.K.R.Ramesh Kumar

For Respondent : Mr.C.Emalias

Additional Public Prosecutor

ORDER

The petitioner has come forward with this petition seeking a direction to the respondent to register the petitioner's complaint dated 31.08.2013.

2.The learned counsel for the petitioner submitted that the petitioner has lodged a complaint before the respondent police on 31.08.2013, which was also received by the respondent police and CSR No.279 of 2013 was also issued, but the respondent has not shown any interest to enquire the matter and register the case. Hence, the petitioner has come forward with this petition for the above stated relief.

3.At this juncture, the learned Additional Public Prosecutor, on instructions, would submit that on the basis of the complaint given by the petitioner, enquiry was conducted and it was closed since civil dispute is pending before the civil forum. Hence, he prayed for the dismissal of the petition.

4.Considering the rival submissions made on both sides and on perusal of the typed set of papers, it is seen that there is dispute between the petitioner and the counter petitioner in respect of a pathway as to whether it is exclusive pathway or common pathway and it is to be decided by the civil court and not by the respondent police and hence, after enquiry it was closed. Hence, recording the submissions of the learned Additional Public Prosecutor, this Criminal Original Petition is disposed of.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The Inspector of Police
R-8, Police Station,
Vadapalani, Chennai - 600 026.

2.The Public Prosecutor
High Court, Madras.

+1 cc to Mr.K.R.Ramesh Kumar Advocate sr.25063

सत्यमेव जयते

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