

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2016

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THE HONOURABLE MR. **JUSTICE R.SUBBIAH**

Crl.O.P.No.780 of 2016

Seetu ... Petitioner

Vs

- 1.The Superintendent of Police,
Thiruvannamalai District.
- 2.The Inspector of Police,
Polur Police Station,
Thiruvannamalai District. ... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. seeking a direction to the second respondent police to register a case based on the complaint given by the petitioner dated 13.11.2012.

For Petitioner : Mr.G.Rajesh

For Respondents : Mr.C.Emalias
Additional Public Prosecutor

ORDER

The present criminal original petition has been filed to direct the second respondent police to register a case based on the complaint given by the petitioner dated 13.11.2012

2. It is the case of the petitioner that there is a dispute in respect of the property between the petitioner's family and his brother one Rajamani for the past 8 years. Due to the same, on 29.10.2015, the petitioner's brother Rajamani and his family members assaulted the petitioner and his wife, as a result, the petitioner and his wife sustained grievous injuries and they were admitted in Polur Government Hospital and thereafter, the petitioner's wife was referred to Government Hospital, Vellore for further treatment. In this regard, the second respondent police registered a case in Crime No.587 of 2015 for the alleged offences under Sections 294(b), 323, 324 and 506(ii) of IPC against the said Rajamani, Meena and Ponnann. After registering the First Information Report, the second respondent police is investigating the said case. In the circumstances, on

10.11.2015 at about 10.00 a.m., the petitioner came to his house from the hospital and saw the broken doors, bureau and other household articles in his house. Further, he found that 12-1/2 sovereigns of gold jewellery and a sum of Rs.53,000/- were stolen away. They have also taken away the Tractor bearing Registration No.TN-25-H-7508, which belongs to one Anand. Thereafter, the said persons damaged the petitioner's two wheeler. Therefore, the petitioner again lodged the complaint dated 13.11.2012 against the said persons. Though the said complaint was lodged on 13.11.2012, no action was taken on the complaint till date. Hence, the petitioner has come forward with the present criminal original petition.

3. When the matter was taken up for consideration, the learned Additional Public Prosecutor submitted that there is a property dispute between the petitioner's family and his brother Rajamani. Persisting the dispute between the petitioner and his brother Rajamani, earlier a case has been registered by the second respondent police in Crime No.587 of 2015 for the alleged offence under Sections 294(b), 323, 324 and 506(ii) of IPC. Now, the present complaint has been lodged, as against the same persons in respect of the very same allegations, by the petitioner. Hence, the learned Additional Public Prosecutor sought for dismissal of this petition.

4. Since already a case has been registered on the basis of the complaint given by the petitioner, I am not inclined to give any further direction to the second respondent to register the case based on the complaint given by the petitioner dated 13.11.2012. Hence, the present criminal original petition is liable to be dismissed.

5. Accordingly, the criminal original petition is dismissed. The petitioner is at liberty to work out his remedy in the manner known to law.

-sd/-
ASSISTANT REGISTRAR

/ TRUE COPY /

Sub-Assistant Registrar

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To

1.The Superintendent of Police,
Thiruvannamalai District.

2.The Inspector of Police,
Polur Police Station,
Thiruvannamalai District.

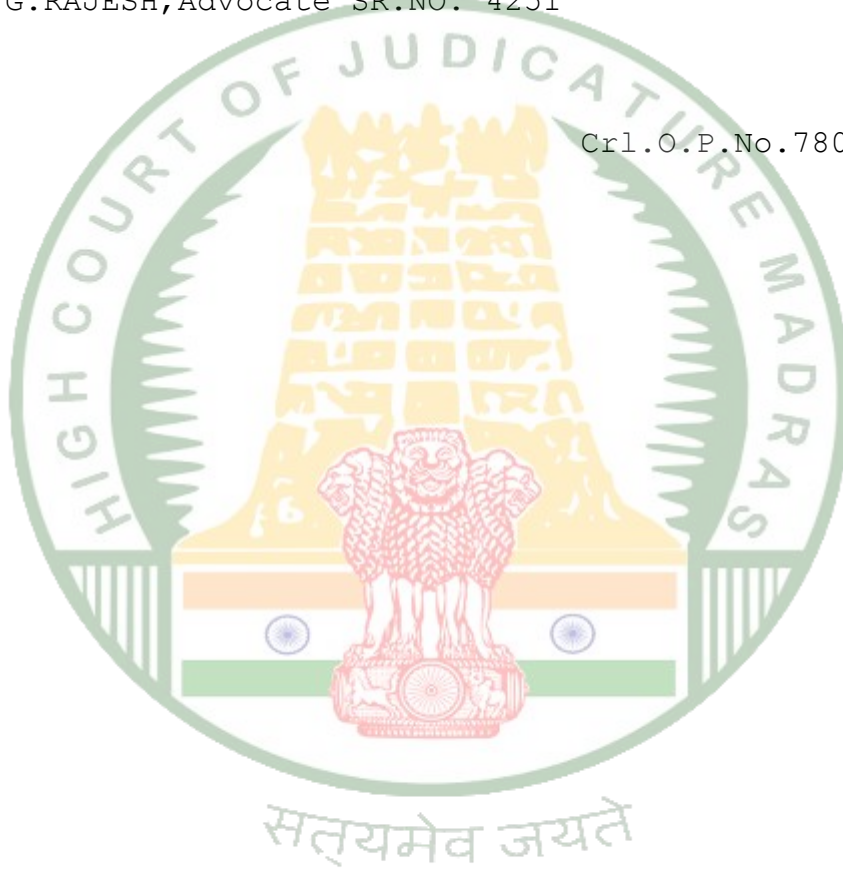
3. The Public Prosecutor,
High Court, Madras.

+1 cc to MR.G.RAJESH, Advocate SR.NO. 4251

Cr1.O.P.No.780 of 2016

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