

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.4.2016

CORAM:

THE HON'BLE DR.JUSTICE P.DEVADASS

Cr1.O.P. No.8395 of 2016

Rani

.. Petitioner/Complainant

Vs.

State rep by
Sub Inspector of Police,
Uthiramerur Police Station,
Uthiramerur,
Kancheepuram District.

.. Respondent

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to pass an order or direction directing the respondent in the above complaint dated 1/02/2016 to investigate and register a complaint under sections 447, 468, 420 of I.P.C.

For Petitioner : Mr.R.Balakrishnan

For Respondent : Mr.C.Emalias

Additional Public Prosecutor

O R D E R

Rani, the petitioner herein seeks a direction to the respondent, namely, the Sub Inspector of Police, Uthiramerur Police Station, Kancheepuram District to register a criminal case as against Solaimmal and another based on her complaint dated 01.02.2016.

2. Heard both sides.

3. Solaimmal is the arch rival of the said Rani. As between both, a civil dispute in O.S.No.66/2013 is pending before the learned District Munsif, Uthiramerur with regard to a piece of land comprised in S.No.149/1 and 149/2 and the patta numbers being 144 and 527.

4. Rani alleges that while she is in possession of the said land, Solaimmal in connivance with one Kanniappan former VAO attempted to interfere with her possession and also they are guilty of preparing some forged documents.

5. It is pertinent to note that already, this matter is involved a civil litigation. The civil court has taken cognizance of the suit and disputes between both sides. In such circumstances, it being a purely civil dispute, it would not be correct to invoke section 154 Cr.P.C issuing direction exercising the inherent jurisdiction under Section 482 Cr.P.C. Further, Rani, the petitioner alleges that she is in possession. However, Solaimmal and others are not in possession. This possession issue has to be decided by a Munsif than an Inspector of Police. Therefore, the petitioner shall approach the concerned civil court for appropriate remedy as per law.

6. With the above observations, this criminal original petition is disposed of.

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

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To

1. The District Munsif,
Uthiramerur,
Kancheepuram District.

2. The Public Prosecutor,
High Court,
Madras.

3. Sub-Inspector of Police,
Uthiramerur Police Station,
Uthiramerur,
Kancheepuram District.

सत्यमेव जयते

1 cc to Mr.R.Balakrishnan, Advocate, sr.25608

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kra 11.05.2016