

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2018

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.20288 of 2011

R.Govindaraj,
S/o.V.T.Rajagopal.

... Petitioner

Vs.

1.State Rep. by
The Commissioner of Police,
Office of the Commissioner of Police,
Chennai Sub-Urban,
St.Thomas Mount, Chennai.

2.The Asst. Commissioner of Police,
T-15, SRMC Police Station,
Porur, Chennai.

3.The Inspector of Police,
T-15, SRMC Police Station,
Porur, Chennai.

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the Respondents to Register a case based on the complaint given by petitioner dated 09.08.2011 and to investigate into the matter.

For Petitioner : Mr.M.Sathish Kumar

For Respondents : Mrs.V.Saratha Devi
Government Advocate [Crl. Side]

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O R D E R

The petitioner, who had preferred a complaint to the 3rd respondent on 09.08.2011 had filed the above direction petition to direct the 3rd respondent to register a case based on his complaint.

2.The averments made in this complaint is that, the petitioner is doing a Real Estate and Building Construction Business in the name of Sri Vilvam Builders and he is a Power of Attorney agent for the property in Survey No.226/3, Grama Natham, Perumal koil Street, Ayyappan Thangal Village measuring to an extent of 1108.25 Square Feet. The General Power of Attorney was executed in favour of the Petitioner by the owner of the property one Solomon Sudhakar and Boopalan in Document No.1288 of 2011, dated 13.07.2011 registered before the office of the Joint Sub-Registrar, Chennai South-I.

3.From the date of appointing, the petitioner being the Power of Attorney and he was put into possession and enjoyment of the property. In the meanwhile, one Durairaj and his brother Logudoss, who are residing in the adjacent land had trespassed into the property and threatened with dire consequences. They claimed that the property belongs to them and thereafter, the petitioner had lodged a complaint before the 3rd respondent on 09.08.2011 and a receipt was given by the 3rd respondent in C.S.R/272/T-15PS/2011 and the 3rd respondent called the said persons for enquiry. In the enquiry, the petitioner had produced the relevant documents for the purchase of the said property, but the above said persons had not produced any documents relevant to the said property.

4.It is further submitted that the Station House Officer of the 3rd respondent Police Station, the Inspector of Police and the Sub-Inspector of Police seems to have got hand in glove with Durairaj and Logudoss and threatened the petitioner and to vacate the property and handover the same to the above said persons or else the petitioner has to pay huge money to them. Hence, the petitioner had lodged a complaint before the first and second respondent on 16.08.2011 to take action against the above said persons and also to take action against the erring police officers based on the complaint given by the petitioner but no action has been taken by the respondents. Hence, the petitioner has filed the present Criminal Original Petition.

5.The learned Government Advocate [Criminal Side] appearing for the respondents submitted that pursuant to the complaint of the petitioner both the petitioner and the counter petitioners in C.S.R/272/T-15PS/2011 were adviced to approach the Civil Court for seeking their remedy, since, the matter is related to Civil dispute over the right and possession of the property and hence, the respondents had closed the C.S.R/272/T-15PS/2011 on 09.08.2011.

6.In view of the above, nothings survives in this Petition.
Hence, this Criminal Original Petition stands Dismissed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Commissioner of Police,
Office of the Commissioner of Police,
Chennai Sub-Urban,
St.Thomas Mount, Chennai.
- 2.The Asst. Commissioner of Police,
T-15, SRMC Police Station,
Porur, Chennai.
- 3.The Inspector of Police,
T-15, SRMC Police Station,
Porur, Chennai.
- 4.The Public Prosecutor,
High Court, Madras.

CrI.O.P.No.20288 of 2011

VSN-II (CO)
CSL/04.01.2019

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