

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.08.2018

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THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.6800 of 2018

T.Jose

.. Petitioner

Vs

1.The Inspector of Police,
S-12 Chittlapakkam Police Station,
Chennai-64.

2.The Commissioner of Police,
Vepery,
Chennai.

.. Respondents

Criminal Original Petition filed under Section 482 Cr.P.C.,
praying to set aside Crl.M.P.No.7849 of 2017 order passed by the
learned Judicial Magistrate at Tambaram and give direction to
the 1st respondent police to register the FIR against the
offenders based on the complaint dated 29.03.2017 and
investigate the same.

For Petitioner : Mr.S.Gopalakrishnan

For Respondents : Mrs.M.Prabhavathi, APP

O R D E R

It is the case of the petitioner that he purchased the
property in question on 22.03.2012 from one Arjundas for
valuable consideration. That one Sundarammal and others
disturbed his possession and therefore, he filed O.S.No.852 of
2015 before the District Munsif, Alandur and has obtained an
order of status quo. While so, it is alleged by the petitioner
that one Ravichandran put up a board in the said property, as if
the said property belongs to him. The petitioner gave a police
complaint and since no action was taken, the petitioner has
filed C.M.P.No.7849 of 2017 before the Judicial Magistrate,
Tambaram under Section 156[3] Cr.P.C., which has been dismissed
by the learned Magistrate on 29.11.2017, challenging which the
petitioner is before this Court.

2.Heard the learned counsel for the petitioner, who
submitted that the Magistrate ought to have sent his complaint
to the Police for investigation.

3.In the opinion of this Court, after the judgment of the Supreme Court in Priyanka Srivastava and Another Vs State of U.P. and Others [(2015)6 SCC 287], any petition under Section 156[3] Cr.P.C. cannot be automatically sent to the Police for registration of FIR.

4.The Magistrate has given a finding that the dispute essentially appears to be civil in nature and therefore, he has refused to exercise his jurisdiction under Section 156[3] Cr.P.C. This Court does not find any infirmity in the order passed by the learned Magistrate warranting interference.

In the result, the petition is devoid of merits and dismissed.

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

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To

1. The Judicial Magistrate, Tambaram.

2.The Inspector of Police,
S-12 Chittlapakkam Police Station,
Chennai-64.

3.The Commissioner of Police,
Vepery,
Chennai.

4 The Public Prosecutor
High Court, Madras 104.

+2 Ccs to Mr.R. Dhanasekar, Advocate sr 55181, 55722.

+1 CC to Mr. Gopalakrishnan, Advocate sr 55583.

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GJII(CO)
SP(07/09/2018)