



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.01.2018

CORAM:

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

CRL.OP.(MD) No.1182 of 2018

M.S.Hyder Ali

... Petitioner

Vs.

1.The Superintendant of Police,
Theni District, Theni.

2.The Inspector of Police,
Uthamapalayam Police Station,
Theni District.

... Respondents

PRAYER: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to direct the second respondent to register the complaint dated 10.12.2017 submitted by the petitioner on the file of second respondent police.

For Petitioner : Mr.A.Thirumurthy

For Respondents : Mr.Prabu Ramachandran
Government Advocate (crl. Side)
for R.1and R.2

ORDER

This Petition has been filed to direct the second respondent to register a case based on the complaint given by the petitioner dated 10.12.2017.

2.The learned counsel for the petitioner has submitted that the petitioner is the owner of certain agricultural lands situated in Survey Nos.1045 and 1044/2, 1044/2b and 1055/2 in Kombai Village, Uthamapalayam Taluk, Theni District. He further submitted that the petitioner has leased out the said property to the proposed accused for limited period and the said lease period has been expired in 2014 and thereafter, the proposed accused has handed over the possession to the petitioner and the petitioner is cultivating the said land through power agent. He further submitted that the facts remaining so, the proposed accused has created some false document and produced before the Electricity Board and erected electric pole in the petitioner's property and also trying to disturb the petitioner's possession and hence the complaint was lodged before the second respondent on 10.12.2017, but so far no action has been taken.



3.The learned Government Advocate (Crl.Side) has submitted that after receipt of the complaint, summons was served on the petitioner. He further submitted that after receipt of the said summons, the petitioner went abroad without appearing for enquiry and hence the complaint is still pending.

4.The learned counsel for the petitioner, by way of reply stated, that the petitioner gave a Power of Attorney to one Mustafa Meeran, who is the father in-law of the petitioner and he is prepared to appear for enquiry on behalf of the petitioner.

5.Recording the aforesaid submissions, the petitioner's Power Agent is directed to appear before the second respondent on 01.02.2018 with relevant records and on such appearance the second respondent has to enquire the matter and if the enquiry reveals any cognizable offence, he has to register a case and proceed further. In case the petitioner's Power Agent failed to appear for enquiry on 01.02.2018, it is open to the second respondent to drop further proceedings.

6.With the aforesaid observation, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1.The Superintendant of Police,
Theni District, Theni.

2.The Inspector of Police,
Uthamaplayam Police Station,
Theni District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC to Mr.A.Thirumurthy, Advocate, SR.No. 44126

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gsp

AM/SKN RSK/SAR 3/31.01.2018/2P/5C

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