



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.01.2018

CORAM:

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

CRL.O.P.(MD)No.1322 of 2018

K.Palaniappan

... Petitioner

-vs-

1.The Superintendent of Police,
O/o. the Superintendent of Police,
Pudukkottai District,

2.The State represented by
The Inspector of Police,
Annavasal Police Station,
Pudukkottai District.

... Respondents

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to pass an order directing the respondent to register the F.I.R, based upon his complaint dated 18.01.2018, in which C.S.R. bearing No.8 of 2018, came to be issued by the second respondent.

For Petitioner : Mr.S.Anand Venkatesh
For Respondents : Mr.Prabu Ramachandran
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed by the petitioner, to direct the second respondent to register a case, based upon the complaint given by the petitioner dated 18.01.2018.

2.The learned counsel appearing for the petitioner has submitted that the petitioner and the proposed accused are brothers and they have partitioned their family properties orally and thereafter they are enjoying their respective shares and that being so on 18.01.2018, the proposed accused trespassed into the petitioner's house and damaged the same and hence a complaint was lodged on 18.01.2018. But so far no action has been taken.

3.The learned Government Advocate (Crl.Side) has submitted that after receipt of the complaint, C.S.R.No.8 of 2018 has been issued on 21.01.2018 and thereafter an enquiry has been conducted and it was found that the dispute is relating to the family property and hence the said complaint was closed, directing the parties to approach the Civil Court and get appropriate remedy.



4.Considering the aforesaid submissions, this Criminal Original Petition is disposed of. It is open to the petitioner to avail any other remedy, which is available under the law.

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Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

- 1.The Superintendent of Police,
O/o. the Superintendent of Police,
Pudukkottai District,
- 2.The Inspector of Police,
Annavasal Police Station,
Pudukkottai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CRL.O.P.(MD)No.1322 of 2018
30.01.2018

SSS

JM/SKN RSK/SAR 1/19.02.2018/2P/4C