



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.01.2018

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WEB COPY

**THE HON'BLE MR.JUSTICE P.RAJAMANICKAM**

Cr1.O.P.(MD) No.148 of 2018

N.Vijayarani

... Petitioner

-Vs-

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

2.The Inspector of Police,  
Chinnamanur 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 case on the petitioner's complaint dated 22.12.2017 and proceed with same as per law within the time frame fixed by this Court.

For Petitioner : Mr.M.Maran

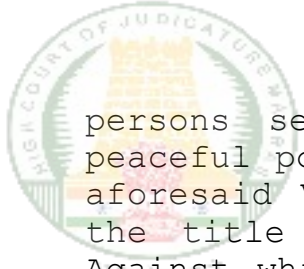
For Respondents : Mr.Prabu Ramachandran  
Government Advocate(Cr1.side)

O R D E R

This Criminal Original petition has been filed to direct the second respondent to register a case based on the complaint given by the petitioner dated 22.12.2017.

2.Heard, the learned counsel appearing for the petitioner and the learned Government Advocate (Cr1.side) appearing for the State.

3.The learned counsel for the petitioner submitted that the petitioner is cultivating the land belonging to her daughter. He further submitted that on 17.11.2017, one Vanathai, Paunraj and Murugeswari trespassed into the land and quarreled with the petitioner by using obscene words and also threatened. Hence the petitioner gave a complaint before the second respondent, but the second respondent did not register a case. He further submitted that already the petitioner has filed a suit in O.S.No.11 of 2004, on the file of the District Munsif, Theni, against the aforesaid



persons seeking permanent injunction not to interfere with the peaceful possession and the said suit was decreed. Thereafter, the aforesaid Vanathi and others have filed a suit for declaration of the title over the aforesaid land and said suit was dismissed. Against which, appeal has been filed and the appeal also dismissed and that being so, it is not open to the said Vanathi and others again to trespass into the land.

4.The learned Government Advocate(Crl.side) has submitted that since the petitioner has already got a decree before the Civil Court, it is open to her to execute the decree before the Civil Court.

5.The learned counsel for the petitioner by way of reply, submitted that the petitioner has already filed an execution petition before the Civil Court and the same is still pending. In such a case, the petitioner is directed to make a request before the concerned Civil Court to expedite the execution petition and dispose of the same at early. Further, if she feels that she is aggrieved by the act of the second respondent, it is always open to her to file a private complaint in accordance with law.

6.With the above observations, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(CSIII)

/True Copy/

Sub-Assistant Registrar

To

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

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

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

+One cc to M/s.M.Maran, Advocate, SR.No.40868

cp/gsp

RL/5C/2P/JC/SAR1/25/1/2018

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