



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.01.2018

CORAM:

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

CRL.OP.(MD) No.153 of 2018

WEB COPY

Marimuthu

... Petitioner

Vs.

1.The Superintendent of Police,
Tirunelveli District,

2.The Inspector of Police,
District Crime Branch,
Tirunelveli District.

... Respondents

PRAYER: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to direct the first respondent to instruct the second respondent police to register FIR on the complaint of the petitioner dated 07.12.2017.

For Petitioner	: Mr.M.M.Manivel Pandian
For Respondents	: Mr.Prabu Ramachandran
	Government Advocate(crl.side)

ORDER

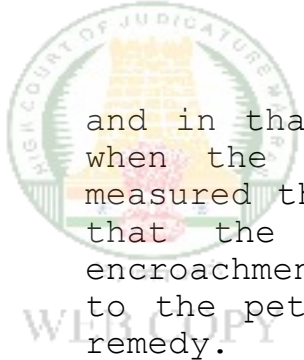
The Criminal Original Petition has been filed by the petitioner to direct the second respondent to register a case based on the complaint given by the petitioner dated 07.12.2017.

2.Heard Mr.M.M.Manivel Pandian, learned counsel for the petitioner and Mr.Prabu Ramachandran, learned Government Advocate (Crl.side), appearing for the respondents.

3.The learned counsel for the petitioner has submitted that one Sivagurunathan and Venkatramani have encroached the petitioner's property by creating forged documents and when the same was questioned, the aforesaid person criminally intimidated to the petitioner and hence petitioner gave a complaint to the second respondent. But the second respondent did not register a case against the said person.

4.The learned Government Advocate(Crl.side) for the respondent has submitted that since it is a civil dispute, the second respondent has closed the said petition by directing petitioner to approach the Civil Court.

5.In the typed set filed by the petitioner a copy of the complaints also enclosed. In the said complaint, the petitioner has stated that he has already filed a suit in O.S.No.359 of 2015 on the file of the District Munsif Tirunelveli, against one Lakshmi pathi



and in that suit, an Advocate Commissioner has been appointed and when the Advocate Commissioner inspected the suit property and measured the suit property with the help of surveyor, it was found that the aforesaid Sivagurunathan and Venkatramani have made encroachment and put up a compound wall. In such a case, it is open to the petitioner to approach the Civil Court and get appropriate remedy.

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

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Tirunelveli District,
2. The Inspector of Police,
District Crime Branch,
Tirunelveli District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/S.M.M. Manivel Pandian, Advocate SR.No. 41075

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08.01.2018

smi/pnn

JM/JC/SAR 4/25.01.2018/2P/5C