



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.03.2018

CORAM:

WEB COPY

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

CRL.O.P. (MD)No.2718 of 2018

N.Dhayalan

... Petitioner

**-vs-**

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

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

... Respondents

**Prayer:** Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the second respondent to register the petitioner's complaint dated 12.12.2017, which is culminated into C.S.R.No.898 of 2017 and to investigate the same in accordance with law.

For Petitioner : Mr.V.Sankaranarayanan  
For Respondents : Mr.Prabhu Ramachandran  
Government Advocate (Crl.Side)

**ORDER**

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 12.12.2017.

2.Heard Mr.V.Sankaranarayanan, learned counsel appearing for the petitioner and Mr.Prabhu Ramachandran, learned Government Advocate (Crl.Side) appearing for the respondents.

3.The learned counsel appearing for the petitioner has submitted that as per the partition deed dated 09.12.2015, the petitioner was allotted 'C' schedule property and from that date onwards, he is in possession and enjoyment of the said property and that being so, his brother has developed grudge against the petitioner and trespassed into the petitioner's property and threatened him with dire consequences and compelled him to vacate from the said property. Hence, the petitioner has lodged a complaint on 12.12.2017, but sofar, no action has been taken.



4. The learned Government Advocate (Crl.Side) appearing for the respondents has submitted that after receipt of the complaint CSR.No.898 of 2017 has been issued and the enquiry is still pending.

5. Considering the aforesaid submissions, the second respondent is directed to expedite the enquiry. If the enquiry reveals any cognizable offence, then he has to register a case and proceed further in accordance with law. In case the enquiry reveals, a civil dispute, then it is open to him, to direct the petitioner to approach the civil court and get appropriate remedy, which is available under the law.

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

Sd/-  
Assistant Registrar (W)

/True Copy/

Sub Assistant Registrar

**To**

1. The Superintendent of Police,  
Theni District, Theni.
2. The Inspector of Police,  
Chinnamanur Police Station,  
Chinnamanur, Theni District.
3. The Additional Public Prosecutor,  
Madruai Bench of Madras High Court,  
Madurai.

DAS  
TE/KKR/SAR-1 : 04/04/2018 : 2P/4C

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