



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.03.2018

CORAM:

WEB COPY

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

CRL.O.P.(MD)No.3071 of 2018

Shagabudeen

... Petitioner

-vs-

The State rep by,

1.The Superintendent of Police,
Office of the Superintendent of Police,
Thanjavur District.

2.The Inspector of Police,
Thiruvidaimaruthur Police Station,
Thanjavur.

... Respondents

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the second respondent herein to register the complaint given by the petitioner on 23.12.2017 and take necessary action within the time stipulated by this Court.

For Petitioner

: Mr.K.M.Karunakaran

For Respondents

: Mr.Prabhu Ramachandran,
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed to direct the respondents to register a case based on the complaint given by the petitioner, dated 23.12.2017.

2.The learned counsel for the petitioner has submitted that the petitioner has filed a suit for permanent injunction in O.S.No.59 of 2013, on the file of the Principal District Judge, Thanjavur, restraining his wife and daughter from in any way interfering with the peaceful possession and enjoyment of the property. He further submitted that the petitioner's wife also filed a suit in O.S.No.63 of 2012 before the same Court and the both suit have been transferred to the learned Additional District Judge, Fast Track Court, Kumbakonam and the learned Judge has dismissed the petitioner's suit and decreed the suit filed by the petitioner's wife. He further submitted that without filing any execution petition, the petitioner's wife has trespassed into the petitioner's property along with his henchmen and abused the petitioner and also criminally intimidated him and hence, the petitioner has lodged a



complaint before the second respondent on 23.12.2017, but so far, no action has been taken.

3.The learned Government Advocate (Crl.Side) has submitted that the enquiry is still pending.

4.Considering the aforesaid submissions, the second respondent is directed to expedite the enquiry and 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 only a civil dispute, he has to direct the parties to approach the civil Court and get appropriate remedy.

5.With the aforesaid direction, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (CS-II)

/True copy/

Sub Assistant Registrar

To

1.The Superintendent of Police,
Office of the Superintendent of Police,
Thanjavur District.

2.The Inspector of Police,
Thiruvudaimaruthur Police Station,
Thanjavur.

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

+1CC TO M/S.K.M.KARUNAKARAN, ADVOCATE, SR NO.54967

CRL.O.P.(MD)No.3071 of 2018
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cp

MS/SV-MMS/SAR-4/12.04.2018/2P.5C