



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.01.2018

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

Crl.O.P.(MD) No.661 of 2018

Chinnathambi @ Pommanasamy

... Petitioner

-Vs-

The Inspector of Police,
Vedasenthur Police Station,
Vedasenthur, Dindigul District.

... Respondent

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to direct the respondent herein to register an FIR on the basis of the petitioner's complaint dated 02.01.2018.

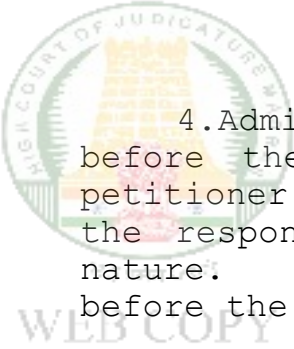
For Petitioner	:	Mr.R.Senthil Kumar
For Respondent	:	Mr.Prabu Ramachandran Government Advocate(Crl.side).

O R D E R

This petition has been filed by the petitioner to direct the respondent to register a case based on the complaint given by the petitioner dated 02.01.2018.

2.The learned counsel for the petitioner has submitted that the proposed accused persons have trespassed into the petitioner's property and trying to lay cart track and also abused the petitioner and criminally intimidated and hence a complaint has been lodged before the respondent on 02.01.2018, but so far no action has been taken.

3.The learned Government Advocate (Crl.side) has submitted that the proposed accused persons have filed a suit in O.S.No.148 of 2017 on the file of District Munsif, Ottancharam for permanent injunction, restraining the petitioner herein from interfering with their peaceful possession and enjoyment of the said cart track. He further submitted that the matter has already been seized by the Civil Court and the complaint given by the petitioner has been closed after enquiry.



4. Admittedly, the proposed accused persons have filed a suit before the Civil Court and that being so, it is open to the petitioner to establish his claim before the Civil Court. Further the respondent has also closed the complaint as it is civil in nature. Therefore, it is open to the petitioner to seek relief before the appropriate forum.

5. With the aforesaid submissions, this criminal original petition is disposed of.

Sd/-
Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

To

1. The Inspector of Police,
Vedasenthur Police Station,
Vedasenthur, Dindigul District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr. R. SENTHIL KUMAR, ADVOCATE IN SR No. 43014

CP
TE/MR/SAR-2 : 07/02/2018 : 2P/4C

CrI.O.P. (MD) No. 661 of 2018
17.01.2018