



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 18.01.2018

CORAM :

THE HONOURABLE MR.JUSTICE **P.RAJAMANICKAM**

CrI.O.P. (MD) No.796 of 2018

K.A.Bhoopalan

... Petitioner

vs.

1. The Commissioner of Police,
Madurai City,
Alagarkoil Road,
Madurai - 625 002.

2. The Assistant Commissioner of Police,
Head Quarters,
Vilakkuthoon Police Station,
East Masi Street,
Madurai - 625 001.

3. The Inspector of Police,
Vilakkuthoon Police Station,
East Masi Street,
Madurai - 625 001.

... Respondents

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the third respondent to register the complaint of the petitioner dated 10.11.2017 and to prosecute the offenders as contemplated under law.

For Petitioner : Mr.S.Chandrasekaran
For Respondents : Mr.Prabhu Ramachandran
Government Advocate (CrI.Side)

ORDER

This Criminal Original Petition has been filed to direct the third respondent to register a case based upon the complaint of the petitioner dated 10.11.2017.

2.The learned counsel for the petitioner has submitted that the petitioner is a tenant in the property belonging to one B.B.Premnath. He further submitted that subsequently, a sale agreement was entered into between the petitioner and the landlord and based on the said sale agreement, the petitioner has filed a suit for specific performance in O.S.No.145 of 2009 on the file of the learned V Additional District Judge, Madurai. Since the said suit was dismissed for default on 04.01.2017, the petitioner has filed a restoration petition along with condone delay petition and they were numbered and the same are pending. He further submitted that taking advantage of the dismissal of the suit, the landlord attempted to dispossess the petitioner from the suit property and causes damage to the petitioner's printing press. Hence, the



petitioner has lodged a complaint to the third respondent on 10.11.2017, but so far no case has been registered.

3.The learned Government Advocate (Crl.Side) appearing for the respondents has submitted that the petitioner has sent a complaint to the first respondent and the same has been forwarded to the third respondent. After enquiry, it was found that the dispute is civil in nature and hence, the complaint will be closed shortly.

4.Considering the aforesaid submission, the third respondent is directed to expedite the enquiry, if the enquiry reveals any cognizable offences, then he has to register a case and proceed further in accordance with law. In case, the enquiry reveals that the dispute is civil in nature, then he can direct the parties to get appropriate remedy from the civil Court.

5.With the above said direction, the criminal original petition is disposed of.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1. The Commissioner of Police,
Madurai City,
Alagarkoil Road,
Madurai - 625 002.

2. The Assistant Commissioner of Police,
Head Quarters,
Vilakkuthoon Police Station,
East Masi Street,
Madurai - 625 001.

3. The Inspector of Police,
Vilakkuthoon Police Station,
East Masi Street,
Madurai - 625 001.

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

+1cc to Mr.S.Chandrasekaran, Advocate Sr.No.42769

MM

VB/SKN/RSK/SAR1/25/01/2018/2P/6C