



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.01.2018

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE P.RAJAMANICKAM

Cr1.O.P. (MD) No.848 of 2018

S.Shyamala Devi

... Petitioner

Vs.

1. The Commissioner of Police,
O/o. Commissioner of Police,
Madurai City.

2. State Rep.by
The Inspector of Police,
Thirunagar Police Station,
Madurai.

3. Maruthupandian

... Respondents

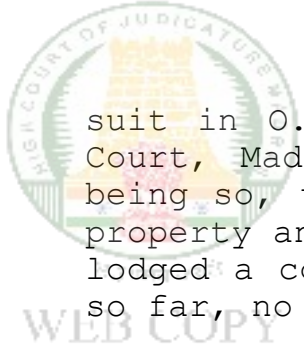
PRAYER: Criminal Original Petition is filed under Section 482 Code of Criminal Procedure, to direct the first respondent to issue a direction to the second respondent to register the FIR, dated 31.12.2017, against the third respondent on the basis of complaint.

For Petitioner	: Mr.G.Thiruvarutselvan
For Respondents	: Mr.Prabu Ramachandran Government Advocate (Cr1.side) for R1 & R2

ORDER

This petition has been filed to direct the second respondent to register a case against the third respondent based upon the complaint given by the petitioner, dated 31.12.2017.

2.The learned counsel appearing for the petitioner has submitted that the petitioner is the tenant under one Rakkammal and the said Rakkammal has filed RCOP.No.2 of 2008, before the Rent Controller, Thirumangalam, for eviction and the same was allowed and challenging the said order the petitioner has filed R.C.A.No.26 of 2011 before the Principal Subordinate Judge, Madurai, and the same is still pending and during the pendency of the said RCA, the said Rakkammal died and hence her legal heirs were impleaded as respondents. He further submitted that the petitioner also filed a



suit in O.S.No.47 of 2010, on the file of the Thirumangalam Camp Court, Madurai, for recovery of amount of Rs.3,00,000/- and that being so, the third respondent has trespassed into the petitioner's property and damaged the compound wall and hence, the petitioner has lodged a complaint before the second respondent on 31.12.2017, but, so far, no action has been taken.

3.The learned Government Advocate (Crl.side) has submitted that after receipt of the complaint, it was numbered as CSR.No.1 of 2018 and enquiry has been conducted and it was found that the dispute is civil in nature and it was closed on 03.01.2018 itself.

4.Recording the aforesaid submission, this criminal original petitioner is disposed of. It is open to the petitioner to avail any other remedy available under the law.

Sd/-
Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The Commissioner of Police,
O/o. Commissioner of Police,
Madurai City.
2. The Inspector of Police,
Thirunagar Police Station,
Madurai.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.G.THIRUVARUTSELVAN, ADVOCATE IN SR No. 43120

RMK
TE/SKN-RSK/SAR-2 : 13/02/2018 : 2P/5C

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19.01.2018