



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.04.2018

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

Crl.O.P.(MD) No.5332 of 2018

A.Vellaisamy

... Petitioner

-Vs-

1.The Superintendent of Police,
O/o.The Superintendent of Police,
Theni, Theni District.

2.The Inspector of Police,
Anti-Land Grabbing (ALG) Wing,
O/o.the Superintendent of Police,
Theni, Theni District.

... Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to direct the first respondent to instruct the 2nd respondent to register the case based on the complaint given by the petitioner dated 22.03.2018 and investigate the same and file a final report within the period specified by this Court.

For Petitioner

:Mr.M.A.M.Raja

For Respondents

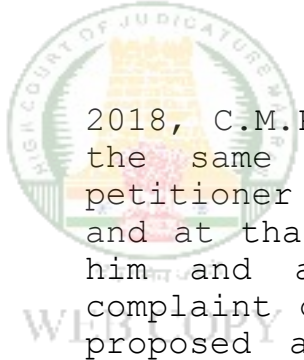
:Mr.K.K.Ramakrishnan

Addl. Public Prosecutor

O R D E R

This petition has been filed to direct the the first respondent to instruct the second respondent to register the case based on the complaint given by the petitioner dated 22.03.2018 and investigate the same and file a final report within the stipulated time.

2.The learned counsel for the petitioner submitted that the vendor has filed a suit in O.S.No.23 of 2008 before the District Munsif Court, Theni for declaration and injunction and the said suit was dismissed. Challenging the aforesaid judgment and decree, one Mathiya raja, preferred an appeal suit in A.S.No.1 of 2012 before the Sub Court, Theni and the said appeal suit was also dismissed on 22.07.2016. He further submitted that the petitioner is not a party to the earlier suit and the appeal suit. He further submitted that there was a civil dispute between Mathiaraja and the proposed accused and as against which, the petitioner's wife along with others preferred civil revision petition before this Court and in which, leave to grant petition was numbered as C.M.P.(MD)No.692 of



2018, C.M.P.(MD).No.1859 of 2018 and C.M.P.(MD).No.1942 of 2018 and the same are pending. In the mean time, on 21.02.2018, the petitioner went to his premises for reconstructing the pillar stones and at that time, the proposed accused along with others assaulted him and also threatened him. Hence, the petitioner lodged a complaint dated 22.03.2018 before the first respondent against the proposed accused. Since no action has been taken, the present criminal original petition has been filed.

3.The learned Additional Public Prosecutor appearing for the respondents submitted that the petition itself is not maintainable and the matter has been pending before the Civil Court and therefore, the petitioner has not obtained any order of stay. He further submitted that the petitioner appeared for enquiry before the respondent police and seeks time to produce the documents and subsequently, the petitioner has not turned up.

4.In view of the submission made by the learned Additional Public Prosecutor, it is seen that the petitioner has already filed a suit and the same was dismissed and thereafter, he preferred an appeal suit and the said appeal suit was also dismissed and an application is pending before this Court for numbering second appeal. The petitioner has not produced any order before the enquiry to show that he has obtained interim order from the Civil Court. In such circumstance, the prayer sought for by the petitioner cannot be granted at present. Hence, the criminal original petition is dismissed.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

To

1.The Superintendent of Police,
O/o.The Superintendent of Police,
Theni, Theni District.

2.The Inspector of Police,
Anti-Land Grabbing (ALG) Wing,
O/o.the Superintendent of Police,
Theni, Theni District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
+1CC to Mr.M.A.M. Raja, Advocate, SR.No. 60198

Cr1.O.P.(MD) No.5332 of 2018
06.04.2018