



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.07.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

CRL.O.P.(MD)No.9393 of 2018

C.Ravi

.. Petitioner

Vs.

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

2.The Deputy Superintendant of Police,
Office of the Deputy superintendant of Police,
Orathanadu,
Thanjavur District.

3.The Inspector of Police,
Orathanadu Police Station,
Orathanadu,
Thanjavur District.

.. Respondents

Petition is filed under Section 482 of the Criminal Procedure Code to direct the third respondent to register a case against the proposed accused person on the complaint made by the petitioner dated 15.04.2018.

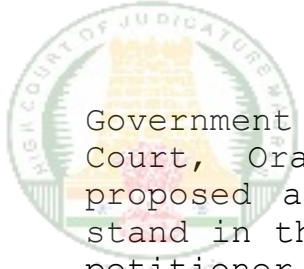
For Petitioner : Mr.A.C.Asaithambi

For Respondents : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl.Side)

O R D E R

This Criminal Original Petition has been filed seeking direction to the third respondent to register a case against the proposed accused person on the complaint made by the petitioner dated 15.04.2018.

2.According to the petitioner, he has purchased a land in Survey No.152/7 to an extent of 0.20.0 ares at Pinnaiyur Village, Orathanadu Taluk, Thanjavur District and in respect of the said property, a suit has been filed by the petitioner against the



Government in O.S.No.46 of 2013 on the file of the District Munsif Court, Orathanadu and the same is pending. On 14.04.2018, the proposed accused by name Anna Ramachandran has cut various trees stand in the petitioner's land worth about Rs.5,00,000/-. Hence, the petitioner has given a complaint on 15.04.2018 before the third respondent police. Since no action has been taken on the petitioner's complaint, the present petition has been filed seeking the aforementioned relief.

3.The learned Government Advocate (Crl.Side) appearing for the respondents submitted that the complaint given by the petitioner has been enquired into and the same has been closed on 02.06.2018, wherein, it is stated that the documents produced by both the parties reveals that the land in dispute has been described as "Adi Dravidar Natham" and patta for the same has been granted to the beneficiaries and in respect of which, a suit is also pending. Hence, the petitioner was advised to go before the civil Court seeking appropriate relief. The learned Government Advocate (Crl.Side) has also produced a copy of the closure report dated 02.06.2018 to that effect.

4.The learned counsel appearing for the petitioner has disputed the said fact.

5.Considering the fact that the petitioner's complaint has already been enquired into and subsequently it was closed and also considering the fact that already a suit is pending in respect of the property in question, the relief sought by the petitioner cannot be granted. Hence, this petition is dismissed. However, liberty is given to the petitioner to work out his remedy before the civil Court, if so advised.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Thanjavur District.
- 2.The Deputy Superintendent of Police,
Office of the Deputy superintendent of Police,
Orathanadu, Thanjavur District.
- 3.The Inspector of Police,
Orathanadu Police Station,
Orathanadu, Thanjavur District.



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

+1CC to Mr.A.C.Asaithambi Advocate in SR.No.71287.

MJ

DS/SV/SAR-4 :17.07.2018: 3P/6C

CRL.O.P.(MD) No.9393 of 2018
04.07.2018