



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.06.2018

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

Crl.O.P.(MD) No.10528 of 2018

M.Srinivasan

... Petitioner

-Vs-

1.The Superintendent of Police,
Sivagangai District, Sivagangai.

2.The Inspector of Police,
District Crime Branch,
Sivagangai.

... Respondents

Prayer: Criminal Original petition - filed under Section 482 of Code of Criminal Procedure, to direct the second respondent to register a criminal case against the accused based on the complaint dated 25.09.2017 and to take action against the accused in accordance with law.

For Petitioner : Mr.M.Kumar
For Respondents : Mr.K.K.Ramakrishnan,
Additional Public Prosecutor.

O R D E R

This Criminal Original petition has been filed to direct the second respondent to register a criminal case against the accused based on the complaint dated 25.09.2017 and to take action against the accused in accordance with law.

2.The learned counsel for the petitioner would submit that there is a land dispute between the petitioner and the proposed accused. Hence, he and his family members had filed a suit in O.S.No.154 of 2003. Though the suit was decreed in favour of the petitioner's family, the proposed accused trespassed into the petitioner's land and fenced the land. Hence, the petitioner lodged a complaint against the proposed accused before the respondent police. Since no action has been taken on the complaint, the petitioner is before this Court with the aforesaid prayer.

3.The learned Additional Public Prosecutor appearing for the respondent police would submit that the complaint lodged by the petitioner was enquired and the same was closed stating that the proposed accused got judgment in his favour, hence the petitioner shall approach the appropriate forum to seek his remedy. The

closure report is also produced before this Court.

4.The learned counsel for the petitioner disputed the said fact by stating that the suit was decreed in favour of the petitioner and his family members.

5.The learned Additional Public Prosecutor, in reply, would submit that if the said judgment issued in favour of the petitioner is submitted before the respondent police, the same shall be considered and enquiry will also be conducted in the light of the above said judgment.

6.Recording the above submission, the petitioner is directed to submit the judgement to the respondent police. On such submission of the said judgment, the respondent police is directed to conduct enquiry afresh, after providing due opportunity to the parties concerned and complete the enquiry within a period of two weeks from the date of receipt of a copy of this order.

7.With the above direction, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Sivagangai District, Sivagangai.
2. The Inspector of Police,
District Crime Branch,
Sivagangai.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.M.KUMAR, Advocate in SR.No.70465

TA
RJ/SV/SAR-3/13/07/2018 - 2P/5C

Cr1.O.P. (MD) No.10528 of 2018
28.06.2018