

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:12.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No.10090 of 2019

K.Sakthivelu

... Petitioner

Vs.

The State,
Represented by the Inspector of Police,
K-3, Aminjikarai Police Station,
Chennai-600 029.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the respondent to register an FIR against the accused persons namely Mohammed Usman and Thangam Mohammed and investigate into the same in accordance with law and file a final report.

For Petitioner : Mr.Ashok Menon
For Respondent : Mr.C.Raghavan
Govt. Advocate (crl.Side)

O R D E R

This Criminal Original Petition has been filed seeking direction to the respondent to register an FIR against the accused persons namely Mohammed Usman and Thangam Mohammed, investigate the same.

2.Heard the learned counsel for the petitioner and the learned Govt. Advocate (Crl. Side) for the respondent.

3. The learned counsel appearing for the petitioner submitted that the petitioner lodged a compliant dated 19.06.2018 in C.S.R.No.429 of 2018, before the respondent police. It is alleged that the defendants have encroached the plaintiff's property bearing Door No.53, Plot No.92, Asad Nagar, Aminjikarai, Chennai-600 026, thereby, disturbing the plaintiff's peaceful possession of his property. It is further alleged that the respondent did not register a case as against the accused. Therefore based on the complaint, the petitioner filed a petition in CrI.M.P. No.186 of 2019, before the learned V Metropolitan Magistrate, Egmore, Chennai, under Section 200 Cr.P.C. By an order dated 11.01.2019, the learned V

Metropolitan Magistrate, Egmore, Chennai was directed the respondent police to register a case and file a final report. Even after receipt of the same, the respondent police did not register a case as against the accused person. Therefore, it is a fit case for direction to direct the respondent police to register a case as against the accused person as directed by the learned V Metropolitan Magistrate, Egmore, Chennai, in Crl.M.P.No.186 of 2019, by order dated 11.01.2019 Hence, he prays to allow this petition.

4. The learned Additional Public Prosecutor would submit after the direction issued by the learned Magistrate, the complaint is pending for registration.

5. Heard Mr.Ashok menon learned counsel appearing for the petitioner and Mr.C.Raghavan learned Government Advocate (Crl. Side) appearing for the respondent.

6. Considering the above facts and circumstances, this Court directs the respondent to register a case as against the accused person as directed by the learned V Metropolitan Magistrate, Egmore, Chennai, in Crl.M.P.No.186 of 2019, by an order dated 11.01.2019 Accordingly, this Criminal Original Petition is allowed.

Sd/-
Assistant Registrar (AD-IV)

//True Copy//

vsn/mpa

Sub Assistant Registrar

To

1. The V Metropolitan Magistrate,
Egmore, Chennai,
2. The Inspector of Police,
K-3, Aminjikarai Police Station,
Chennai-600 029.
3. The Public Prosecutor, High Court, Madras.

Crl.O.P.No.10090 of 2019

NRJK(CO)
SSM(28/05/2019)