

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.(Criminal) No. 8431 of 2020

Raichand Daga

S/o. Mohan Lal Daga

Aged 71 years

Residing at No.11, 9th Cross Street

Indira Nagar, Adyar

Chennai - 600 020.

... Petitioner

Vs.

1. The Superintendent of Police
Chengalpattu District.

2. The Inspector of Police
E-8, Kelambakkam Police Station
OMR, Kittu Nagar
Kelambakkam
Chennai 0 603 103.

3. D.Kumar, S/o. V.Dhanapal
Dr. Ambedkar Street
Ekattur Village, Muttukkadu Panchayath
Kelambakkam Post
Thiruporur Taluk, Chennai - 603 103.

4. D.Radhakrishnan
S/o.V.Dhanapal

5. D.Radha
S/o.V.Dhanapal

6. V.Dhanapal
S/o. Vellai ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing 1st and 2nd respondents to register the complaint dated 22.01.2020 and take action against the respondents 3 to 6 and to consequently give police protection, within a time frame fixed by this Hon'ble Court.

For Petitioner : Mr.T.Karunakaran
For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor
O R D E R

The petition has been filed for direction to direct the first and second respondents to register the complaint dated 22.01.2020 and take action against the third to sixth respondents and consequently, sought for police protection.

2. Learned Counsel for the Petitioner would submit that the petitioner lodged a complaint before the second respondent with serious allegations as against the counter parties. Even then, the second respondent did not register the case, and issued only C.S.R. No.56 of 2020. Therefore, the petitioner was constrained to file a private complaint before the Learned Judicial Magistrate, namely Judicial Magistrate No.I, Chengalpattu in C.M.P. No. 2322 of 2020. The Learned Judicial Magistrate No.I, Chengalpattu after considering the allegations made in the complaint directed the second respondent to conduct enquiry and file a report by an order dated 06.03.2020. Even after receipt of the said order, the second respondent did not register any case as against the counter parties, namely, respondent Nos. 3 to 6. He further submitted that pending this writ petition, the accused persons have constructed the entire building in the disputed land.

3. It is seen that already the learned Additional Public Prosecutor took notice and submitted that they were conducting enquiry on the complaint. Earlier, Mr.Raichand Daga, the petitioner lodged complaint before the second respondent with serious allegations against the third to sixth respondents herein. The second respondent, on receipt of the same, issued C.S.R.No. 56 of 2020 on 24.01.2020. Thereafter, the second respondent did not take any action on the complaint lodged by the petitioner. Therefore, the petitioner lodged private complaint before the Learned Judicial Magistrate No.I, Chengalpattu. The Learned Judicial Magistrate No.I, Chengalpattu by order dated 06.03.2020 directed the second respondent to conduct enquiry on the complaint and directed to file a report. Even after the direction issued by the Learned Judicial Magistrate No.I, Chengalpattu, the second respondent did not conduct any enquiry.

4. Considering the facts and circumstances of the case, the second respondent is hereby directed to register the case as directed by the Learned Judicial Magistrate No.I, Chengalpattu by the order dated 06.03.2020 in C.M.P. No. 2322 of 2020 forthwith and file a final report within a period of 12 weeks

before the jurisdictional Magistrate concerned.

5. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

may

To

1. The Superintendent of Police
Chengalpattu District.

2. The Inspector of Police
E-8, Kelambakkam Police Station
OMR, Kittu Nagar
Kelambakkam
Chennai 0 603 103.

3. The Public Prosecutor
High Court of Madras
Chennai.

W.P.(Criminal) No. 8431 of 2020

SVI (CO)
GN(31/07/2020)

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