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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2021

CORAM:

THE HON'BLE MR. JUSTICE M. NIRMAL KUMAR

CRL.O.P.No.10284 of 2021

Nasi

... Petitioner

Versus

1. The Superintendent of Police,
Superintendent of Police Office,
Tirupathur District.

2. The Inspector of Police,
Yelagiri,
Tirupathur District.

... Respondents

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct second respondent, to register a First Information Report based on the petitioner's complaint dated 17.04.2021 in CSR.No.56 of 2021.

For Petitioner : Mr. Periaswamy I.

For Respondents : Mr.Damodharan,
Government Advocate (Crl.side)

ORDER

This Criminal Original Petition has been filed seeking a direction to direct second respondent, to register a First Information Report based on the petitioner's complaint dated 17.04.2021 in CSR.No.56 of 2021.

2.The case of the petitioner is that there is a land dispute between the petitioner and one land broker Malaiyan, in respect of the land in S.No.26 & 27, which is situated in Kudadi Kollai Vattam Athanavur, Yelagiri Hills, Tirupattur District. The said land broker/Malaiyan, is attempted to grab the land by creating forged documents, for which, a civil suit in O.SNo.42 of 2015 was filed and it is pending before the Sub-Court, Tirupattur. While pending the suit, the land broker/Malaiyan threatened the petitioner and trespassed into the land in question. Therefore,



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the petitioner filed a complaint on 17.04.2021 before the first respondent and the same was forwarded to the second respondent. But till date, a first information report has not been registered on the basis of the complaint given by the petitioner. Therefore, the petitioner come up with this petition before this Court.

3.The learned Government Advocate (Crl.side) appearing for the respondent would submit that based on the complaint given by the petitioner, CSR.No.56 of 2021 was registered on 17.04.2021 and the same was closed on 10.05.2021, on the ground that the dispute is civil in nature and a civil suit in O.S.No.42 of 2015 is pending on the file of the Sub-Court, Thirupattur. In support of his contention, he also relied upon the decision rendered by this Court in Crl.O.P.No.574 of 2021, dated 20.01.2021.

4.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) appearing on behalf of the respondents.

5.It is seen that the petitioner has given a complaint against Malaiyan, Sivakumar and Narasimman, which was shown in CSR.No.56 of 2021, dated 17.04.2021 issued by the second respondent. After enquiry the complaint was closed on 10.05.2021. During enquiry, it is found that there is a civil dispute pending between the petitioner and the counter petitioner in CSR.No.56 of 2021, in O.S.No.42 of 2015 before the Sub-Court, Thirupattur.

6.In view of the same, nothing survives for further adjudication in this case. If the petitioner is aggrieved on the action of the respondents, it is open to the petitioner to proceed further as per the decision rendered in the above said order dated 20.01.2021 in Crl.O.P.No.574 of this Court, following the order passed by the Division Bench of this Court in G.Prabhakaran Vs. The Superintendent of Police, Thanjavur reported in (2018) 2 LW Crl. 489 and the Hon'ble Supreme Court decision rendered by a three Judge Bench in M.Subramaniam Vs. S.Janaki reported in (2020) 5 CTC 464, after relying upon Sakiri Vasu Case, wherein it has been categorically held that the High Court cannot issue any direction for registration of FIR in exercise of its jurisdiction under Section 482 of Cr.P.C. The Hon'ble Supreme Court held that the informant has to necessarily avail of the alternative remedy provided under Section 154(3) of Cr.P.C., and Section 156(3) of Cr.P.C. Liberty is therefore given to the petitioner to workout her remedy as per the directions issued by the Division Bench in the order referred supra and to proceeds accordingly.



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

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Sd/-
Assistant Registrar(CCC)

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Sub Assistant Registrar

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To

1. The Superintendent of Police,
Superintendent of Police Office,
Tirupathur District.
2. The Inspector of Police,
Yelagiri,
Tirupathur District.
3. The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.10284 of 2021

PCH(CO)
HS(23/07/2021)