

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.14867 of 2021

K.Sivakumar

.... Petitioner

Versus

1.The Superintendent of Police
Thiruvannamalai
Thiruvannamalai.

2.The Inspector of Police
Chetpet Police Station
Thiruvannamalai.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to issue a direction to the respondent to register the complaint dated 05.07.2021 and investigate the same in accordance with law.

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For Petitioner : Mr.K.Perumal Swamy

For Respondents : Mr.A.Damodaran
Government Advocate (Crl.Side)

ORDER

This petition has been filed to issue a direction to the respondent to register the complaint dated 05.07.2021 and investigate the same in accordance with law.

2. The contention of the petitioner is that despite the petitioner sending a complaint dated 05.07.2021, which discloses cognizance offence, the respondent police have not taken any action to register the complaint. Hence, the above petition is filed.

3. The gist of the case is that on 17.06.2009 the petitioner's mother Bagayavathi had settled a property to an extent 0.63 cents at Kannur Village, Chetpet Taluk, Tiruvannamalai District in favour of the petitioner by way of gift deed and the same was registered. The counter petitioner namely, Thangavel along with Govindasamy, Babu, Siva, Mani and another Babu, Perumal had encroached upon the petitioner's property and

denied the petitioner's rightful possession and enjoyment of the said land. They using JCB demolished his house and cut down all the trees and causing damages to Electricity Service Board. There are civil suits pending in O.S.No.167 of 2009 and O.S.No.390 of 2009 before the District Munsif Court, Polur between the parties. Though the counter petitioner has no orders of the Civil Court in favour of them, they are taking law on their own hands.

4. The learned Government Advocate (Crl.Side) submitted that the counter complaint in C.No.1858 of 2021 was received on 05.07.2021. Thereafter, the parties were called for enquiry on 27.07.2021. Since the counter petitioners are residing in Bangalore, the enquiry could not be progressed.

5. Considering the submission and perused the materials, it is seen that the dispute between the parties is civil in nature. However, since the Bagayavathi is an aged lady and her family members were threatened, the second respondent police is directed to issue summons to the petitioner

as well as to the counter petitioner and conduct enquiry. In any event, the enquiry should be completed preferably within a period of two months.

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

27.08.2021

Index : Yes/No
Internet : Yes/No
dna

To

1.The District Munsif Court, Polur.

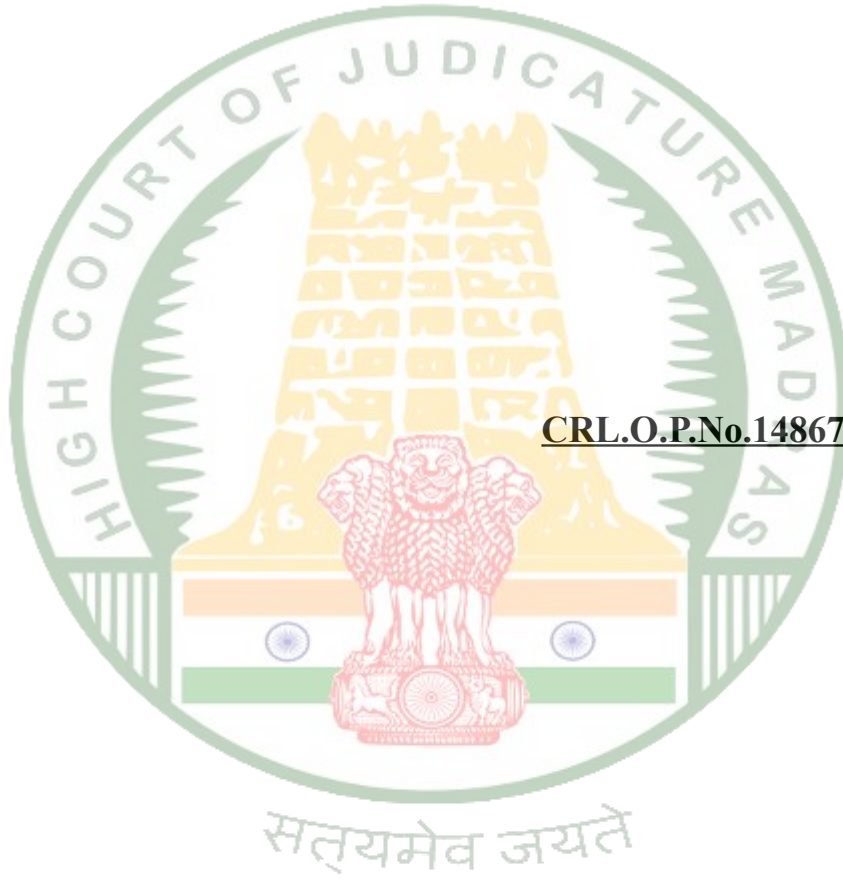
2.The Superintendent of Police
Thiruvannamalai
Thiruvannamalai.

3.The Inspector of Police
Chetpet Police Station
Thiruvannamalai.

4.The Public Prosecutor
High Court of Madras.

M.NIRMAL KUMAR, J.

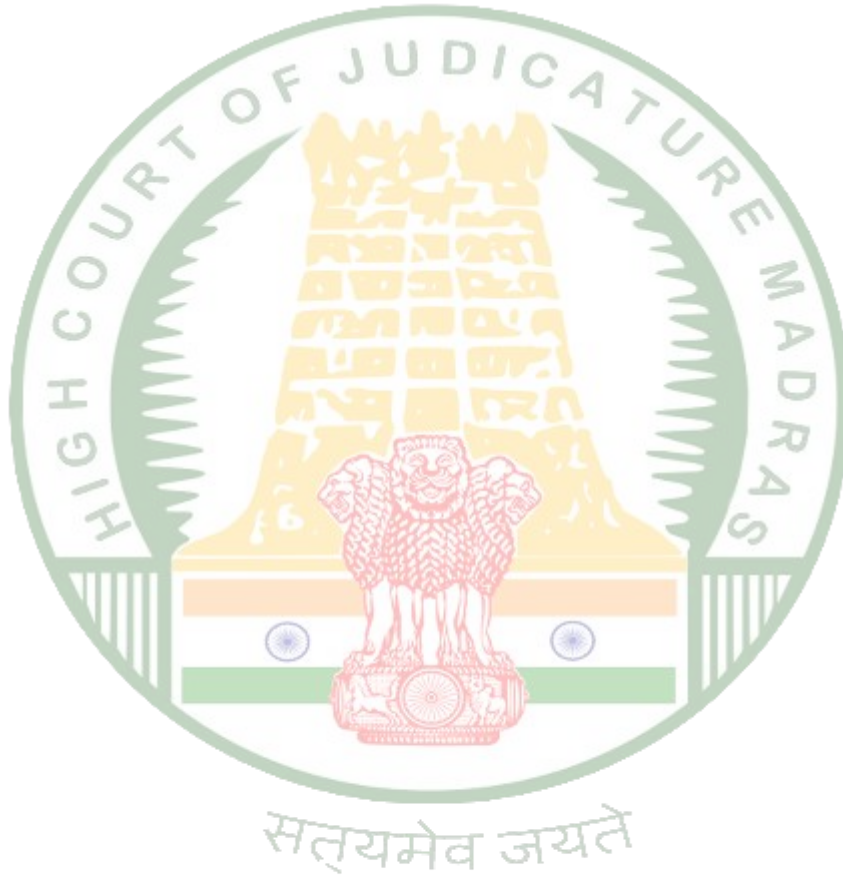
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