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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.09.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.O.P.No. 30186 of 2018

R.Manoharan

...Petitioner

Vs.

1. The Commissioner Of Police (Chennai)
Vepery, Chennai -600 007

2. The Inspector Of Police
C.C.B Team XVIII, Vepery,
Chennai

... Respondents

Prayer: The Criminal Original Petition filed under Section 482 of Code of Criminal Procedure to direct the 1st respondent to take necessary action against the 2nd respondent towards the representation dated 17.12.2018 sent by the petitioner to the 1st respondent.

For Petitioner : Mr.S. Thiru Saravanan

For Respondents : Mr.C.E.Pratap
(Government Advocate Crl side)

O R D E R

This Criminal Original Petition has been filed to direct the first respondent to consider the representation dated 17.12.2018 made by the petitioner and take necessary action against the second respondent.

2. The case of the prosecution is that there was a property dispute between the petitioner and the petitioner's sisters, who were born to the first wife of his father. The petitioner's sister Porchelvi and Niraiselvi filed a civil suit O.S.No.3169 of 1997 and O.S.No. 400 of 2006, before the District Munsif, Alandur, in which, one of the suit in O.S.No.3169 of 1997, ended in favour of the petitioner and the another suit in O.S.No. 400 of 2006 is still pending.



3. In the meanwhile, the defacto complainant's sister and her husband illegally entered into the petitioner's premises with rowdy elements and demolished the house building worth Rs.25 lakhs. Based on the complaint lodged by the petitioner, an FIR was registered against the husband of the defacto complainant in Crime No. 411 of 2013. For non-filing of the charge sheet, the petitioner filed a petition in Crl.O.P.No. 1031 of 2018 before this Court and this Court had also directed the respondent police to file a charge sheet against the defacto complainant and her husband. While so, the second respondent police registered a case in Crime No.234 of 2018 against the petitioner without any basis and ignoring the earlier FIR filed against the defacto complainant and her husband. Hence, the petitioner made a representation to the first respondent to take suitable action against the second respondent. However, no further action was taken so far. Hence, the present petition has been filed before this Court.

4. Heard the learned Government Advocate appearing for the State.

5. On a perusal of the representation, it is seen that the petitioner has narrated the entire facts and civil dispute between the petitioner and his sisters. The only allegation made against the second respondent is that the second respondent has registered an FIR against the petitioner on the basis of the complaint given by the opposite party. The petitioner is questioning the registration of the complaint after seven years of the alleged civil dispute between the parties. The petitioner has also alleged that a complaint has been registered by the second respondent against the petitioners mother in the year 2018 whereas the petitioner's mother expired in the year 2013 itself.

6. This Court is not inclined to go into the merits of the contentions or allegations made by the petitioner against the second respondent. The second respondent is merely received the complaint and registered the same. If, according to the petitioner, the allegations are false and not maintainable in the eye of law, the petitioner should have invoke the appropriate provisions of law to quash the FIR. In any event, the petitioner has given a representation to the first respondent to see the veracity of the representation and the complaint made by the petitioner therein. This Court cannot direct the said first respondent to look into the contents of the representation made by the petitioner and take action against the second respondent.

7. The petitioner utterly misconceive and there are no



merits in the prayer sought for. Accordingly, this Criminal Original Petition is dismissed.

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Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

rli

To

1. The Commissioner Of Police (Chennai)
Vepery, Chennai -600 007
2. The Inspector Of Police
C.C.B Team XVIII, Vepery,
Chennai
3. The Public Prosecutor,
High Court, Madras.

Cr1.O.P.No.30186 of 2018

AJS (CO)
SU(13/10/2021)