



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 25.11.2021

CORAM:

THE HON'BLE MR JUSTICE G.ILANGOVAN

Crl.O.P.(MD)No.18590 of 2018

Lakshmi

: Petitioner

Vs.

State represented by

1.The Deputy Inspector General of Police,
Trichy Range, Trichy.

2.The Superintendent of Police,
Pudukkottai District.

3.The Inspector of Police,
Ganesh Nagar Police Station,
Ganesh Nagar,
Pudukkottai.

4.Abdul Rahman,
The Inspector of Police,
Ganesh Nagar Police Station,
Ganesh Nagar, Pudukkottai.

: Respondents

Prayer: Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, to direct the 2nd respondent to conduct preliminary enquiry on any other police officer not below the rank of Deputy Superintendent of Police based on the complaint of the petitioner, dated 03.10.2018.

For Petitioner : Mr.S.Karthick Subramanian

For Respondents : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

O R D E R

This petition has been filed by the petitioner seeking for a direction to the 2nd respondent to conduct the preliminary enquiry on the basis of the complaint, dated 03.10.2018.

2.The case of the petitioner in brief:- The petitioner and others namely Suseela, Parvathi, Malliga and Rukmani are residing in the above said address for the past several years, wherein the possession of the disputed property, problem was created by some other persons. So enquiry is pending before the Revenue Divisional Officer, Pudukkottai and further, the appeal was also pending before the District Revenue Officer. Apart from that, similar criminal cases also pending. One Velavan has filed WP(MD)No.14154



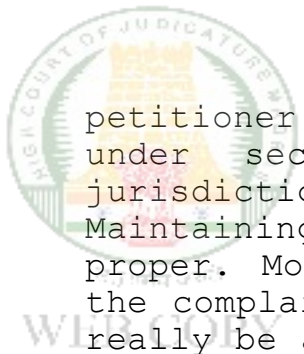
of 2018 before this court to survey the land. On 03.07.2018, that petition was allowed directing the Tashildar, Pudukkottai to consider the representation of the above said Velavan and if necessity arises, police protection may also be granted. On 01.10.2018 at about 10.00 am., the 4th respondent along with five other police officers, attached to the Ganesh Nagar Police Station along with some other persons came in a Car bearing registration No.TN-10-AH-8354 along with the above said Velavan, Murugan and others and damaged the house of the petitioner and four others. When that was questioned, they stated that High court has passed an order to demolish the house. But no order copy was shown. Later, it was found that no such demolition order was passed by any court. But however, the above said gang of people demolished the entire buildings. So the complaint was given by the petitioner on 03.10.2018 seeking action against the police officials. Since there was no action, this petition is filed.

3.Heard both sides.

4.The petition is bereft of proper particulars of survey number in respect of which number dispute arose between the petitioner and the above said Velavan. The said Velavan is not impleaded as party in this petition. The further particulars with regard to the petition filed by the above said Velavan in WP(MD) No.14154 of 2018 is also not available. But however, a copy of the complaint sent by the petitioner has been enclosed along with typed set of papers.

5.The petitioner repudiated the very same allegation made in the complaint and in this petition. No more further particulars are available. Only photographs have been enclosed, wherein we find a portion of the house has been demolished. According to the petitioner, her house was demolished by the 4th respondent and others police officers belonging to the Ganesh Nagar Police Station. Except the photographs, no other documents have been enclosed. More-over, the complaint has been given in 2018. Thereafter, what happened is not clear on record. Now three years have lapsed. The petitioner ought to have taken steps immediately if any action has not been taken by the police officials on his complaint. But he waited for 3 years for the action to be taken.

6.The learned Additional Public Prosecutor appearing for the respondents is not in a position to inform the court the stage of the complaint that has been given by the petitioner. More-over, as mentioned earlier, the complaint as well as the petition is bereft of proper particulars. Such a vague complaint cannot be entertained. So, I am of the considered view that without any proper particulars, the petitioner cannot maintain this petition. Moreover, it is seen that a direction petition may not lie for such a relief. It has been held by the Hon'ble Supreme Court that when



petitioner has to work out his remedy through alternative mode under section 156(3) of the Cr.P.C before the concerned jurisdictional Magistrate court or file a private complaint. Maintaining a petition for such a sort of relief, may not be proper. More-over, as mentioned earlier, the petition as well as the complaint is without any proper particulars. So the petitioner really be aggrieved, he can make a fresh complaint setting out the facts and circumstances to the competent authority against proper person.

7.With the above said direction, this criminal original petition stands **disposed of**.

Sd/-

Assistant Registrar (A.D I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Note:In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1.The Deputy Inspector General of Police,
Trichy Range, Trichy.
- 2.The Superintendent of Police,
Pudukkottai District.
- 3.The Inspector of Police,
Ganesh Nagar Police Station,
Ganesh Nagar,
Pudukkottai.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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