



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2022

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.2263 of 2022

E.Babu

... Petitioner

Versus

1.The Commissioner,
O/o, Commissioner Office,
132, EVK Sampath Salai,
Vepery, Periyamedu,
Chennai - 600 007.

2.The Inspector of Police,
K1, Sembium Police Station,
Perambur,
Chennai - 600 011.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, to direct the 2nd respondent to register the FIR of the case based on the petitioner's complaint dated 11.12.2021.

For Petitioner : Mr.M.Selvam

For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

This petition has been filed to direct the 2nd respondent to register the FIR of the case based on the petitioner's complaint dated 11.12.2021.

2. The grievance of the petitioner is that he lodged a complaint through post on 11.12.2021 to the Commissioner of Police and the Inspector of Police, Sembium Police Station, but no action has been taken so far. It is his further grievance that he put up construction in his property and the adjacent land owner one G.V.Rajesh raised objection for the same. On 11.12.2021, the said G.V.Rajesh along with his younger brother Raji and his mother Mari came to his property and obstructed him from putting up any further construction, and hence he lodged a



complaint to take action against them.

3. The learned Additional Public Prosecutor submitted that on receiving the petitioner's complaint in C.No.456 of 2021 dated 04.01.2022, the respondent Police conducted enquiry. Both the petitioner and the counter complaint one G.V.Rajesh and his mother Mari were called before the respondent Police and on enquiry, it was found that it is a pathway dispute between the petitioner and the said G.V.Rajesh. Since the dispute is civil in nature, they were directed to approach the Civil Court. They also agreed to approach the Civil Court and hence, the case was closed. It is to be noted that already a Civil Suit is pending.

4. At this stage, the learned counsel for the petitioner submitted that he has not given any such undertaking.

5. In view of the same, the Inspector of Police, Sembium, is directed to issue a fresh copy of closure report to the petitioner. Thereafter, the petitioner shall take further action, if he so desires.

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

Sd/-

Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

dna

To

- 1.The Commissioner,
O/o, Commissioner Office,
132, EVK Sampath Salai,
Vepery, Periyamedu,
Chennai - 600 007.
- 2.The Inspector of Police,
K1, Sembium Police Station,
Perambur,
Chennai - 600 011.
- 3.The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.2263 of 2022

GJ(CO)
SB(15/02/2022)