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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2022

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.25158 OF 2021 AND
CRL.M.P.NO.867 OF 2022

E.Mariappan

... Petitioner

Versus

1. The Inspector of Police,
M-4, Police Station, Redhills,
Chennai - 52.
2. R.Manohar
(impleaded as per order of this
court dated 01.02.2022 in
C.M.P.No.867 of 2022)

...Respondent

PRAYER:

This Criminal Original Petition has been filed under Section 482 of Cr.P.C to direct the respondent to register the case of the petitioner complaint dated 23.10.2021 and file a FIR.

For Petitioners : Mr.V.Nandagopalan for M.Krishna Murty
For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor for R1
Mr.A.K.M.Samsu Nihar for R2

O R D E R

This Criminal Original Petition has been filed to direct the respondent to register the case of the petitioner complaint dated 23.10.2021 and file a FIR.

2. The petitioner had lodged a complaint to the respondent Police stating that he is running Supreme Electronics shop for the past 30 years in M.S.A.M. Shopping Complex,_15/1,



Sothupakkam Road, Redhills, Chennai - 52 and the owner of the shop is one Abbas to whom he had paid around one crore. As there was some dispute over the same, the Cases are pending in O.S.No.127 of 2020 and I.A.No.272 of 2020. Further, earlier there was a complaint pending before EDF-II, Team IV, CCB. That being the case without any right or authority one Royapuram Manohar claiming himself to be the present purchaser of the property had filed RLT. O.P.No.15 of 2021 before the Madhavaram District Munsif Court which is also pending. Apart from that, the said Royapuram Manohar who is well known personality having muscle power, had taken law into his own hands placed sheet in front of the petitioner's shop and not allowing the petitioner to have access to the shop. The petitioner submits that since the said Royapuram Manohar is an influential person, the respondent Police is not taking any action on him. Hence this petition.

3. The said Royapuram Manohar filed impleading petition before this Court and since he is the necessary party, this Court allowed the impleading petition vide order dated 01.02.2022.

4. Mr. A.K.M.Samsu Nihar, learned counsel appearing for the impleading petitioner submitted that the petitioner is making false allegations against him and as could be seen in the averments in RLT.O.P.No.15 of 2021 filed before District Munsif Court Madhavaram in the schedule property only 600 Sq.ft in the ground floor and 600 Sq.ft. in the first floor was let out to the petitioner by the ersewhile owner Mr.Syed Abbas and the petitioner is making unnecessary allegations against one Royapuram Manohar and hence strongly objected to allow this petition.

5. Heard both sides. Perused the records.

6. Considering the facts and circumstances of the case and also taking note of the fact that however big anyone be, no one can take law in their hands take possession or cause obstruction or hindrance of any person's civil rights. It is for the Court and only Court to decide the same. Finding substance, this Court directs the Assistant Commissioner of Police, Puzhal to conduct enquiry in this regard, find out that if there is any illegal placement or obstruction in front of the petitioner's shop disturbing his entry and exit to the shop. If so the same shall be removed immediately, unless there is any Court order contradictory to the same.



7. With the above directions, this Criminal Original Petition is disposed of. Consequently connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

arr/rap

To

1. The Inspector of Police,
M-4, Police Station, Redhills,
Chennai - 52.
2. The Public Prosecutor,
High Court, Madras.

Copy To

The Assistant Commissioner of Police,
Puzhal.

CRL.O.P.No.25158 of 2021

RK(CO)
PM/08/02/2022