



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.05.2022

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CRL.O.P (MD) No. 8999 of 2022

Nagalakshmi

... Petitioner

Vs

1. The Superintendent of Police,
Dindigul District, Dindigul.
2. The Deputy Superintendent of Police,
Vedachandur, Dindigul District,
3. The Inspector of Police,
Eriyodu Police Station,
Dindigul District.
4. Pappusamy
5. Ramachandran

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to issue a direction to the third respondent to forward the petitioner's complaint, dated 23.04.2022 to the second respondent for conducting an enquiry under the Code of Criminal Procedure.

For Petitioner : Mr.R.Murugappan
For R1 to R3 : Mr.S.Ravi
Additional Public Prosecutor

O R D E R

The criminal original petition has been filed seeking a direction to the third respondent to forward the petitioner's complaint, dated 23.04.2022 to the second respondent for conducting an enquiry under the Code of Criminal Procedure.

2.The case of the petitioner is that the petitioner is the owner of the property in S.No.103/1B and obtained a patta in Patta No.5997 and she is doing agricultural activities in the said land. However, the private respondents namely, respondents 4 and 5 trespassed into the property and prevent the petitioner from enjoying the property, for which, the petitioner had lodged a complaint on 23.04.2022 before the third respondent. However, till today, the third respondent has not taken any action on the complaint lodged by the petitioner. Hence, the present criminal original petition has been filed.



3.The learned Counsel appearing for the petitioner would submit that this Court may issue a direction to the third respondent to consider the petitioner's complaint, dated 23.04.2022, after providing an opportunity of hearing and then, pass appropriate orders in accordance with law.

WEB COPY

4.The learned Additional Public Prosecutor would submit that already a similar complaint was filed by the petitioner's husband and for the same, enquiry was conducted and closed in CSR.No.95 of 2022 on 08.04.2022, by directing the petitioner's husband to approach the competent civil Court, since it is a civil dispute.

5.Considering the facts and circumstances of the case, this Court perused the closure report of the third respondent and on perusal of the same would reveal that the earlier complaint filed by the petitioner's husband was closed. However, without challenging the said closure report, filing the present criminal original petition is not maintainable. Hence the prayer sought for by the petitioner cannot be granted.

6.Accordingly, the criminal original petition stands dismissed. However, liberty is granted to the petitioner to work out the remedy before the competent Court/authority in the manner known to law, as against the private respondents.

Sd/-

Vacation Officer/AR (CS-I)

// True Copy //

18/05/2022

Sub Assistant Registrar(CS)

1r

To

1. The Superintendent of Police,
Dindigul District, Dindigul.
2. The Deputy Superintendent of Police,
Vedachandur, Dindigul District,
3. The Inspector of Police,
Eriyodu Police Station,
Dindigul District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Order made in

CRL.O.P (MD) No. 8999 of 2022

11.05.2022