



WEB COPY



Crl.OP.No.1816 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.1816 of 2023

Jeyaraman

... Petitioner

Vs.

1. The Assistant Commissioner of Police,
Madipakkam,
Chennai.

2. State Rep by,
Inspector of Police,
S-7, Madipakkam Police Statio,
Chennai.

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C.,
to issue suitable directions to register the FIR on the petitioner's complaint
dated 19.01.2023 in CSR No.57 of 2023.

For Petitioner

: Mr.J.Franklin

For Respondents

: Mr.S.Santhosh

Government Advocate(Crl.side)

ORDER

This Criminal Original Petition has been filed to direct the respondent
police to register the FIR on the petitioner's complaint dated 19.01.2023 in CSR
No.57 of 2023



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2. The learned counsel for the petitioner submitted that petitioner's wife purchased a property measuring about 690 sq.ft of land situated at 2nd cross street, LIC Street, Kolathur in the year 2003. One Suriya Begum in turn purchased a property on 05.05.1983. Petitioner's wife had executed settlement deed in favour of the petitioner on 20.03.2006. Petitioner had constructed thatched house in the said property and is in enjoyment from the year 2003. The accused in his complaint dated 19.01.2023, with the help of the rowdy elements had removed the thatched set and damaged the articles kept in the house. Therefore, the complaint was given, however, till now, no FIR was registered, necessitating the filing of this petition.

3. The learned Government Advocate (Crl.Side) appearing for the respondents submitted that, on receipt of complaint dated 19.01.2023 from the petitioner, the second respondent police have conducted enquiry in CSR.No.57 of 2023. He further submitted that the opposite party had also provided documents in support of their claim of the property. In the said circumstances, both the parties were advised to work out their remedy before the civil Court and the CSR.No.57 of 2023 was closed.



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4. In view of the submissions made by the learned counsels on either side, if two rival claims are made in respect of the disputed property, no doubt they should approach the Civil Court to resolve the issue before the civil Court. However in the present case, the accused person along with rowdy elements claimed to have removed the thatched shed and damaged the house articles kept in the house.

5. In the said circumstances, this Criminal Original Petition is disposed of giving liberty to the petitioners to approach civil Court for appropriate relief and the respondent police is directed to proceed in accordance with law if any criminal act as stated in the complaint, was committed.

30.01.2023

Internet : Yes / No

Index : Yes / No

Speaking / Non Speaking order

Sma

G.CHANDRASEKHARAN,J.

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Sma

To

1. The Assistant Commissioner of Police,
Madipakkam,
Chennai.
2. State Rep by,
Inspector of Police,
S-7, Madipakkam Police Statio,
Chennai.
3. The Public Prosecutor,
High Court of Madras, Chennai.

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