



Crl.O.P.No.9740 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2023

CORAM
THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

Crl.O.P.No.9740 of 2013

R.Manimaran

...Petitioner

-Vs-

1. The State of Tamil Nadu,
Rep. by its Commissioner of Police,
Egmore, Chennai - 8.
2. The Inspector of Police,
R8, Vadapalani Police Station,
Chennai - 26.
3. Thirugnanam
4. The State of Tamil Nadu,
Rep. by its Home Secretary,
For St. George, Chennai - 9.
5. The Director General of Police,
Kamarjar Salai, Chennai.
6. S.S.Stalin
7. C.Surya
8. P.K.Sivakumar

...Respondents

(R4 & R5 impleaded as per the order of this Court dated 15.04.2013
made in Crl.O.P.No.9740 of 2013.)



Crl.O.P.No.9740 of 2013

(R6 to R8 impleaded, vide order dated 26/04/2013 made in MP.No.1 of 2013 in Crl.O.P.No.9740 of 2013.)

WEB COPY

Petition filed under Section 482 of Cr.P.C., to direct the 1st respondent to constitute a special team to register and investigate into petitioner's complaint dated 08.04.2013 and other similar offences committed by the 3rd respondent and his associates and file a final report to the Competent court.

For Petitioner : Mr.V.Srimathi

For Respondents : Mr.L.Baskaran,
Government Advocate (Crl.side)

ORDER

This petition has been filed seeking direction to the 1st respondent to constitute a special team to register and investigate into the petitioner's complaint dated 08.04.2013 and other similar offences committed by the 3rd respondent and his associates and file a final report to the Competent court.

2. The case of the petitioner is that, the petitioner is a tenant in respect of the First floor premises at Door.No.199/46, Arcot road, Chennai and he took the said premises on lease, vide lease agreement dated 13.07.2010 for a period of three years and he paid a sum of Rs.5,00,000/- as Security deposit. The owner of the said premises is none other than the petitioner's father in



law. The petitioner's father in law, had earlier executed a General Power of Attorney in favour of the petitioner, vide Doc.No.1452/ 2004 and on the strength of the said power, the petitioner is residing at Door.No.412, Arcot Road, Vadapalani, Chennai. While so, on 13.10.2012, when the petitioner was away from home, at the instance of one Surya, who is none other than the petitioner's brother-in-law, the 3rd respondent and his henchmen broke open the petitioner's office, committed theft of valuables and thrown out the petitioner's belongings, pursuant to which, the petitioner made a complaint before the 1st respondent on the very same day itself, i.e.,13.10.2012, which evoked no response. Aggrieved by the inaction on the part of the 1st respondent, the petitioner made another complaint dated 08.04.2013, however, till date no action has been initiated on the same. Hence, this petition.

3. Though very many grounds have been raised, learned counsel for the petitioner submitted that, it would suffice, if this Court issues direction to the 1st respondent to consider the petitioner's complaint dated 08.04.2013 and take appropriate action against the 3rd respondent.



Crl.O.P.No.9740 of 2013

4. Learned Government Advocate (Crl.Side) appearing for the official

respondents submitted that, though the petitioner filed complaints in the year 2012 and the last complaint was made on 08.04.2013, however, for the past 10 years, the petitioner has not persuaded his complaints. Hence, no further action has been initiated on his complaints. Further, the issue involved in the present petition is purely a civil dispute in between the petitioner and his father in law. If at all the petitioner is aggrieved, the remedy available for the petitioner is before the competent Civil Court. Instead of approaching the competent Civil Court, filing this Criminal original petition is not sustainable. Hence, he prayed for dismissal of this petition.

5. Heard learned counsel on either side and perused the materials placed on record.

6. The petitioner claim that he entered into a lease agreement with his father in law, who is the owner of the subject property. However, no lease agreement was registered in favour of the petitioner in respect of the subject property. Further, as rightly pointed out by the learned Government



CrI.O.P.No.9740 of 2013

Advocate, the issue involved in the present case is purely civil in nature and the same has to be agitated before the Civil court. Though the petitioner filed complaints in the year 2012 and 2013, thereafter, the petitioner did not followed up on the said complaints.

7. In view of the above, this Court is of the view that, no order as sought for could be passed in this Criminal Original Petition. However, liberty is granted to the petitioner to workout the remedy in them manner known to law.

8. For the reasons aforesaid, this Criminal original petition stands dismissed.

25.01.2023

skt

Speaking Order : Yes/ No

Index : Yes/ No

To

1. The State of Tamil Nadu,
Rep. by its Commissioner of Police,
Egmore, Chennai - 8.
2. The Inspector of Police,
R8, Vadapalani Police Station,
Chennai - 26.

5/7



Crl.O.P.No.9740 of 2013

WEB COPY

3. The State of Tamil Nadu,
Rep. by its Home Secretary,
For St. George, Chennai - 9.
4. The Director General of Police,
Kamarajar Salai, Chennai.
5. The Public Prosecutor,
High Court of Madras, Chennai-600 104.

M.DHANDAPANI., J.

skt

Crl.O.P.No.9740 of 2013



WEB COPY



CrI.O.P.No.9740 of 2013

25.01.2023