



W.P.(MD)No.17893 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.02.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.17893 of 2022

M.Thiagarajan

... Petitioner

Vs.

1.The Inspector of Police,
K.Pudupatti Police Station,
K.Pudupatti, Thirumayam Taluk,
Pudukkottai District.

2.Karthik

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, to direct the first respondent to investigate the case and comply the order in Cr.MP.No.864 of 2022 dated 13.04.2022 on the file of the learned Judicial Magistrate, Thirumayam and register the case against the second respondent forthwith.

For Petitioner	: Mr.K.Muraleedharan
For R1	: Mr.B.Nambiselvan
	Additional Public Prosecutor

ORDER

This Writ Petition has been filed to direct the first respondent to investigate the case and comply with the order in Cr.MP.No.864 of 2022 dated 13.04.2022 on the file of the learned Judicial Magistrate, Thirumayam and register the case against the second respondent forthwith.



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2. The case of the prosecution is that the petitioner is in possession and enjoyment of the property in S.No.139/8 and S.No.139/31. The pattas were stands in the name of the mother of the petitioner. The second respondent, who is a habitual offender cut the trees in the said lands and encroached the petitioner's land and caused damaged to the tune of Rs.20,000/- For which, the petitioner sent a representation to the Superintendent of Police, Pudukottai and the same was not considered. Hence, the petitioner filed a private complaint in Cr.MP.No.864 of 2022 under Section 156 (3) Cr.P.C., before the learned Judicial Magistrate, Theni and on 13.04.2022, the learned Magistrate given a direction to the concerned SHO, K.Puduppatti Police Station, to investigate the complaint given by the petitioner and file a report. However, no action was taken. Hence, the petitioner filed this petition.

3. The learned Additional Public Prosecutor would submit that as per the order passed by the learned Judicial Magistrate, Thirumayam, in Cr.MP.No.864 of 2022 dated 13.04.2022, the Law Enforcing Agency conducted enquiry on the complaint given by the petitioner and filed a closure report before the learned Judicial Magistrate, Thirumayam, on 26.08.2022. Hence, nothing survives for further adjudication in this petition.



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4. Recording the said submission, this Writ Petition is closed with liberty to the petitioner to file appropriate petition before the concerned Court. No costs.

08.02.2024

Index : Yes/No
Internet : Yes/No
NCC : Yes/No
dss

To

1. The Inspector of Police,
K. Pudupatti Police Station,
K. Pudupatti, Thirumayam Taluk,
Pudukkottai District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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M.DHANDAPANI, J.

dss

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