



Crl.O.P.(MD)No.18095 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.03.2024

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THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.(MD)No.18095 of 2022

M.Jeyanthi

... Petitioner

Vs.

Vetrivel

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to set aside the written order and issue a direction, directing the learned Chief Judicial Magistrate at Tiruchirapalli to take up the case on the file in Filing No: CRLMP/16686/2022, CR.No:TNTPO3016715/2022 Date of Filing: 10.06.2022.

For Petitioner : Mr.M.Sankar

ORDER

This Criminal Original Petition has been filed to set aside the written order and issue a direction, directing the learned Chief Judicial Magistrate at Tiruchirapalli to take up the case on the file in Filing No: CRLMP/16686/2022, CR.No:TNTPO3016715/2022 Date of Filing: 10.06.2022.



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2.The case of the petitioner is that she is the resident of Lalgudi and she is residing along with her family members. She purchased a property to an extent of 2262 sq.ft., for a valuable consideration through registered sale deed in Doc.No.6795 of 2015 dated 23.11.2015, with specific boundaries and recitals. While being so, on 07.12.2021, one Asadgirama Vidiyal, represented by its Administrative Manager, had trespassed into the petitioner's property and encroaching public pathway and also tried to construct compound wall on the northern portion of the public pathway. The same was questioned by the petitioner's husband. On 08.12.2021, the petitioner's husband launched a complaint, however, the same was refused to receive by the respondent police. On the very next day, ie., on 09.12.2021, some workers digging the public pathway and the same was questioned by the petitioner, at that time, all of them abused in filthy language also threatened with dire consequences. Therefore, on 09.12.2021, the petitioner filed a complaint before the respondent police and also filed a suit in O.S.No.845 of 2021 before the Principal Sub Court, Trichy for permanent injunction and IA.No.1 of 2021 was also filed for interim injunction. On appreciation of



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the prima facie case, the trial Court granted an order of interim injunction on 10.12.2021. By enclosing the interim order, the petitioner made a complaint and the same was not received. Thereafter, on 11.12.2021 the petitioner preferred a complaint before the Additional Superintendent of Police, Trichy and the same was immediately forwarded to the Deputy Superintendent of Police, Thriuverumbur and the same was informed to the Inspector of Police, Navalpet Police Station, namely, Mr.Vetrivel, who is full in-charge of for the Manikandam Police Station, Trichy. However, he neglected the order passed by the civil Court. Again, the petitioner filed a petition under Section 156(3) Cr.P.C in Crl.M.P.No. 2721 of 2022 before the Judicial Magistrate cum Additional Mahila Court at Tiruchirappalli and the same was ordered on 10.03.2022 by issuing a direction to the respondent to investigate the case and to file a report. Even thereafter, the respondent had not taken any action.

3. Thereafter, the petitioner filed a petition before the learned Chief Judicial Magistrate, Trichy, under Section 200 r/w 190(1)(a) Cr.P.C., for taking suitable action as against the respondent for the offence punishable under Section 21 r/w 44 of the Tamil Nadu District



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Police Act and under Section 166(A) IPC and the same was returned.

Again, the petitioner re-presented the petition along with relevant citation in ***Sugesan Transport Pvt.Ltd Vs. The Assistant Commissioner of Police*** reported in ***2016(3) MWN(Cr.) 236***. However, the complaint was returned by the learned Chief Judicial Magistrate, Trichy. Hence, the petitioner filed the present petition.

4.The learned counsel appearing for the petitioner submitted that the instead of filing a petition under Section 21 r/w 44 of the Tamil Nadu District Police Act, the petitioner filed the instant complaint. Hence, he prayed that a liberty may be granted to the petitioner to file a petition as against the respondent for non-compliance of the direction issued under Section 156(3) Cr.P.C., by the Judicial Magistrate cum Additional Mahila Court at Tiruchirappalli in CrI.M.P.No.2721 of 2022.

5.In view of the limited prayer sought for by the learned counsel appearing for the petitioner, this Court is inclined to grant liberty to the petitioner. Accordingly, the petitioner is at liberty to file an application under Section 21 r/w 44 of the Tamil Nadu District Police



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Act before the Judicial Magistrate cum Additional Mahila Court at Tiruchirappalli, for non-compliance of the direction issued under Section 156(3) Cr.P.C. On receipt of such application, the learned Magistrate shall complete the proceedings by issuing notice to the respondent/violator, within a period of six weeks from the date of filing of the application.

6.In the result, this criminal original petition is disposed of.

07.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

- 1.The Judicial Magistrate cum Additional Mahila Court,
Tiruchirappalli.
- 2.The Chief Judicial Magistrate,
Tiruchirapalli.



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M.DHANDAPANI,J.

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