

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP No.10560 of 2015

N.K.SHANMUGAM

[PETITIONER]

Vs

THE INSPECTOR OF POLICE
CENTRAL CRIME BRANCH
EDF-II TEAM-IX A
VEPERY,
CHENNAI - 600 007.

[RESPONDENT]

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to set aside the letter dated 26/11/2014 sent by the respondent herein and direct the Deputy Commissioner of Police to nominate a Superior Officer to register the case in respect of the complaint dated 04/02/2014 and proceed with the matter according to law.

For Petitioner : Mr.C.Rajan

For Respondent : Mr.C.Emalias,
Additional Public Prosecutor

ORDER

This Criminal Original Petition is filed to set aside the letter dated 26/11/2014 sent by the respondent and to direct the Deputy Commissioner of Police, to nominate a Superior Officer to register the case in respect of the complaint dated 04/02/2014 and proceed with the matter according to law.

2. This petition has come up today for admission. I have heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent and I have also perused the records carefully.

3. The grievance of the petitioner is that though this Court had directed the police to appoint another officer to enquire into his complaint dated 04.02.2014, the same Sub Inspector by name Stephen has enquired into the complaint and perfunctory closed the same. Therefore, this Court perused the complaint of the petitioner dated 04.02.2014 in order to satisfy itself as to whether a positive direction to register the FIR could be given. At this juncture, it is relevant to mention that a copy of the closure report has been furnished to the learned counsel for the petitioner across the Bar.

4. On a reading of the complaint dated 04.02.2014, it appears that one Mini Vincent is the owner of the property in Anna Nagar. She has purchased the property from the Tamil Nadu Housing Board. It appears that one Verghese was occupying the property as a tenant and he is not vacating from the premises in question. Therefore, Mini Vincent sought the help of this petitioner and this petitioner suggested the name of one Balakrishnan, who was appointed as Power Agent by Mini Vincent to take civil proceedings against the said Verghese and evict him. Accordingly, Balakrishnan had initiated civil proceedings. But, in the meantime, Verghese died. After the death of Verghese, even according to the complaint, an understanding appears to have been arrived at between Mini Vincent, Balakrishnan and the petitioner whereby Balakrishnan had authorised to sell the property and pay 50% of the sale consideration to Mini Vincent and the balance 50% to be shared by Balakrishnan and this petitioner and one Surendran. In the said complaint, it is alleged that Balakrishnan sold the property on 17.12.2012 to Mohammed Yousuf M, Mohammed Ayub N.A. and Bakkar Ali N.A. for a total sale consideration of Rs.3 crores and that he did not pay Mini Vincent her share nor he paid the petitioner his share. Therefore, the present complaint has been lodged as against the said Balakrishnan.

5. The learned counsel for the petitioner submits that there is criminality in this, inasmuch the said Balakrishnan has not made any payment to this petitioner nor to Mini Vincent. On the contrary, this Court finds that they have entered into an agreement and as per the same, if there is any breach thereof, they have to work out their remedies in the Civil Court. That apart, Mini Vincent is not the complainant before the police and it is stated in the complaint that Mini Vincent is threatening this petitioner that she will take action against him for the failure of Balakrishnan to make her the payment. Therefore, this Court sees that this complaint itself has been lodged by the petitioner in order to have a shield to protect against any possible action that may be taken by Mini Vincent. Be that as it may, the transaction

appears to be civil in nature and therefore, no positive direction can be given by this Court to the respondent police to register the FIR. Hence, this Criminal Original Petition is closed with liberty to the petitioner to work out his remedies in the manner known to law.

Sd/-
Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

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To

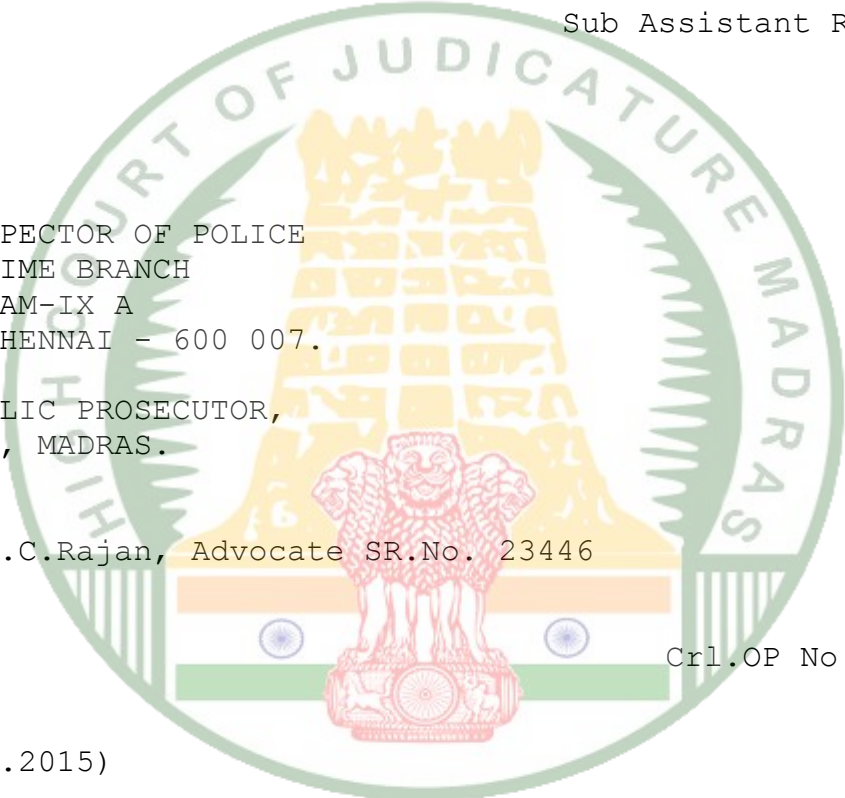
1. THE INSPECTOR OF POLICE
CENTRAL CRIME BRANCH
EDF-II TEAM-IX A
VEPERY, CHENNAI - 600 007.

2. THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

1 CC to Mr.C.Rajan, Advocate SR.No. 23446

Cr1.OP No.10560 of 2015

MP (CO)
PSI (22.05.2015)



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