

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.09.2015

C O R A M

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CrI.O.P.No.18562 of 2015

1.E.Dhandayuthapani
2.S.Narayanaswamy

... Petitioners

Vs.

1.Superintendent of Police,
Thiruvallur, Thiruvallur District.

2.Deputy Superintendent of Police,
Thiruthani.

3.Inspector of Police,
Thiruthani.

4.P.R.Loganathan

5.K.Balan

6.K.M.Varadharaji

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C praying to direct the 3rd respondent to register the complaint against 4 to 6 respondents who have committed an offence under Section 420, 465, 467 & 506(i) of IPC based on the complaint given by the petitioner on 28.01.2014.

For Petitioners : Mr.M.Krishnamurthy
For Respondents : Mr.C.Emalias [R1 to R3]
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to direct the third respondent to register the complaint against the respondents 4 to 6, based on the complaint given by the petitioner on 28.01.2014.

2. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the respondents 1 to 3.

3. On a reading of the complaint dated 28.01.2014, it is seen that these petitioners had entered into a sale agreement with the opposite party, as early as 30.08.2012 and that the opposite party has not executed the sale deed in favour of the petitioners. The learned counsel for the petitioners submits that some of the lands does not even belong to the opposite party. However, the principle is that "let the purchaser beware". Further, this agreement has been entered into in the year 2012 and these petitioners should have approached the Civil Court within the limitation period, either for specific performance of the contract or for the return of advance money. The police cannot be directed to investigate an allegation of this nature as that would result in abuse of process of law.

Hence, this Criminal Original Petition is closed with liberty to the petitioners to work out their remedies in the manner known to law.

-sd/-

ASSISTANT REGISTRAR

/ TRUE COPY /

SUB-ASSISTANT REGISTRAR

ds

To:

- 1.The Superintendent of Police,
Thiruvallur, Thiruvallur District.
- 2.The Deputy Superintendent of Police,
Thiruthani.

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3.The Inspector of Police,
Thiruthani.

4.The Public Prosecutor
High Court, Madras.

Cr1.O.P.No.18562 of 2015

CO-MP
JD 07/10/2015



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