

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2015

CORAM

THE HON'BLE MR.JUSTICE R.S.RAMANATHAN

Crl.O.P.No.1950 of 2015

Mariammal

..Petitioner

vs.

1. The Superintendent of Police,
Salem District,
Salem.

2. The Inspector of Police,
Edapadi Police Station,
Salem District.

..Respondents

Criminal Original Petition filed under Section 482 of the Criminal Procedure Code praying to direct the second respondent to register a case on the complaint of the petitioner dated 07.01.2015 and investigate the same in accordance with law.

For Petitioner : Mr.A.Ramesh

For Respondents: Mr.V.M.R.Rajendren
Additional Public Prosecutor

O R D E R

It is submitted by the learned counsel for the petitioner that the petitioner entered into agreement of sale with one Selvaraj on 25.10.2012, by which, the said Selvaraj agreed to sell his property, to an extent of 0.07 cents of land out of total extent of 60 cents.

2. Later on, the petitioner came to know that prior to the said Selvaraj entered into agreement of sale with one Mathizhagan in respect of entire extent of 60 cents of the property on 9.4.2012 and therefore, submitted that at the time of entering into agreement of sale with the petitioner, the said Selvaraj has already entered into agreement of sale of the entire property. Fully aware of the fact, he entered into agreement of sale with the petitioner with 0.07 cents out of 60 cents. Therefore, he submitted that dishonest is

manifested from the said complaint and therefore, the case has been registered against the said Selvaraj. He further submitted that the complaint given by the petitioner, dated 7.1.2015 and no action has been taken by the respondents.

3. Heard the learned Additional Public Prosecutor.

4. 0000Considering the submission made by the learned counsel for the petitioner and having regard to the agreement of sale dated 09.04.2012, entered into agreement between Selvaraj and Mathizhagan in respect of entire property of 60 cents and thereafter, the said Selvaraj entered into agreement of sale with the petitioner in respect of 0.07 cents out of 60 cents, prima facie case is made out by the petitioner. Therefore, this Criminal Original Petition is allowed, the respondent is directed to register the case and investigate the same.

kkd

s/d-
Assistant Registrar (CS-III)
Dt:5/3/2015

True Copy

Sub-Assistant Registrar

To

1. The Superintendent of Police,
Salem District,
Salem.
2. The Inspector of Police,
Edapadi Police Station,
Salem District.
3. The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.A.Ramesh, Advocate SR 9084

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Cr1.O.P.No.1950 of 2015