

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.08.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP No.20176 of 2015

A.Mahaveerchand Bafna

... Petitioner

Vs

The Inspector of Police,
Central Crime Branch
EDF-I, Team-I, Vepery,
Cehnnai - 600 007.

... Respondent

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to direct the III Metropolitan Magistrate, George Town, Chennai to take receive complaint in unnumbered Crl.M.P. Of 2015 dated 01.07.2015 and consider the same in accordance with law.

For Petitioner : Mr.R.John Sathyan

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

ORDER

This petition is filed seeking for a direction, directing the III Metropolitan Magistrate, George Town, Chennai to receive the complaint in unnumbered Crl.M.P. Of 2015 dated 01.07.2015 and consider the same in accordance with law.

2. It is seen that the petitioner entered into a memorandum of Joint Venture Agreement with the opposite party some time in March 2013, knowing full well that the property is a Trust Property and that the same can be purchased only with the permission of the Court. The opposite party approached this Court in O.P.No.326 of 2013 for approval of the Joint Venture Agreement with the petitioner. This Honourable Court did not approve the Joint Venture Agreement, but, instead by order dated 26.06.2013 directed that the property be sold by inviting quotation from the public. In view of the order passed by this Court, the opposite party withdrew the O.P.No.326 of 2013 on 31.07.2013.

3. In the meantime, admittedly, the petitioner has paid around a sum of Rs.3 Crores to the opposite party. The petitioner lodged a complaint before the respondent police alleging that the opposite party is not returning the money. The respondent police conducted an enquiry and closed the case on 06.05.2015, on the ground that there is no criminality in the transaction, in as much as, the opposite party is willing to sell the land itself to the petitioner instead of getting into a Joint Venture Agreement. Further, the opposite parties have not alienated the land and they are still agreeing to repay the money after selling the land to the 3rd party.

4. Be that as it may, this Court does not find anything illegal in the closure report filed by the police. Thereafter, the petitioner has filed a private complaint, making the respondent police as a party, for a direction to register an FIR under Sections 156(3) Cr.P.C. on the same allegations. The learned Magistrate has returned the private complaint for want of jurisdiction. On a reading of the complaint, the petitioner has made the same allegations and as stated above, these are matters which have to be decided in the civil forum. In fact, even in the Joint Venture Agreement, there is an arbitration clause which can be invoked by the petitioner, if so advised.

In the result, this petition is devoid of merits and the same stand dismissed. Accordingly, this Criminal Original Petition is dismissed with the liberty to the petitioner to workout his remedy in the manner known to law.

Sd/-
Assistant Registrar(J)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

vsm

To

1. III Metropolitan Magistrate,
George Town, Chennai.
2. -Do- Through The Chief Metropolitan Magistrate,
Chennai.

3. The Inspector of Police,
Central Crime Branch
EDF-I, Team-I, Vepery,
Chennai - 600 007.

4. The Public Prosecutor,
High Court, Madras.

+1cc to M/s.R.John Sathyan, Advocate, S.R.No.42307

Cr1.OP No.20176 of 2015

KGK(CO)
CA(27/08/2015)



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