

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.11.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

CRL.O.P.No.25699 of 2015

Y.Nazir

..Petitioner

/vs/

The Commissioner of Police,
Vepery,
Chennai 600 007.

..Respondent

Criminal Original Petition filed under Section 482 Cr.P.C.
seeking a direction to respondent police to register the
complaint dated 15.09.2015.

For Petitioner : Mr.K.A.Vimal Kumar
For Respondent : Mr.C.Emalias, APP

O R D E R

This petition has been filed seeking a direction to
the respondent police to register the complaint dated
15.09.2015.

2.It is seen that the petitioner is a
contractor/builder pursuing construction activities. The
petitioner and one Babu @ Subath Khan entered into a
construction agreement dated 28.10.2011 for construction of
commercial building in Babu @ Subath Khan's site at No.96,
Linghi Chetty Street, Chennai and at No.9, Mannady Street,
Chennai 600 001. As per the construction agreement dated
28.10.2011, the said Babu @ Subath Khan ought to have released
funds well in advance before commencement of construction
activities at every stage of construction. But, Babu @ Subath
Khan has never rendered timely payment and he has requested the
petitioner to carry out the construction activities at his site
and he promised to pay the amount. Having reposed faith upon the
aforesaid Babu @ Subath Khan, the petitioner has proceeded with
construction activities. The petitioner is not proceeding with
further construction work, since this Court, by an order, dated
04.08.2015 in W.P.No.23625 of 2015, directed status quo to be
maintained as on 04.08.2015. While so, the said Babu @ Subath

Khan has foisted a false complaint against the petitioner before B1 Police Station. On enquiry, the respondent police has advised the petitioner and Babu @ Subath Khan to approach the Civil Court for appropriate remedy. In the presence of the Inspector of Police, Babu @ Subath Khan threatened the petitioner and his family members with dire consequences. Again, on 31.08.2015 CPP Jegan, under the guise of compromise, has called the petitioner and his contract labourers to City Public Prosecutor's Office and threatened and compelled the petitioner's contract labourers to work at Babu @ Subath Khan's site. Hence, a complaint has been lodged with the respondent police on 15.09.2015. Since no action has been taken so far, the present criminal petition has been filed.

3.Today, when the matter is taken up for consideration, learned Additional Public Prosecutor submitted that the complaint is pending before the Assistant Commissioner of Police, Vepery.

4.Considering the submissions made on either side, this Court is of the opinion that the respondent is directed to enquire the matter and dispose of the same in accordance with law, as early as possible.

sd/
ASSISTANT REGISTRAR (CS-III)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

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To

1.The Commissioner of Police,
Vepery,
Chennai 600 007.

2.The Public Prosecutor,
High Court, Madras.

+1 CC to MR.Vimal Kumar Advocate. SR.NO. 60791

Cr1.O.P.No.25699 of 2015

CO-JSV
JD 23/11/2015