

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.11.2015

CORAM:

THE HON'BLE Mr.JUSTICE R.SUBBIAH

Crl.O.P.No.25780 of 2015

Mr.K.Manirajan

... Petitioner

Vs.

The Inspector of Police,
Crime,
T-3, Police Station,
Korattur
Chennai - 600 080.

... Respondent

Prayer :

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to give direction to the Inspector of Police (Crime), T-3, Korattur, Chennai - 600 118 the respondent police herein to register the FIR on the complaint dated 26.09.2015 given by the petitioner to the respondent police and take action in accordance with law.

For Petitioner : Mr.L.Gavaskar

For Respondent : Mr.C.Emalias

Additional Public Prosecutor

ORDER

This petition is filed for a direction to the respondent to register the FIR on the complaint dated 26.09.2015 given by the petitioner to the respondent police and take action in accordance with law.

2.In the petition it has been stated that the counter petitioner G.Baskar is the owner of the property bearing Plot No.B-6, measuring an extent of 2446 sq.ft. situated at No.86, Athipet Village, Ambattur Taluk, Thiruvallur District. The petitioner and the counter petitioner Baskar entered into a sale agreement in respect of the said property and the sale consideration was fixed at Rs.29,00,000/-. The petitioner also paid a sum of Rs.5,00,000/- on 31.03.2009, as an advance, and thereafter he came to know that the said property was acquired by the Tamil Nadu Government. The counter petitioner had also

agreed to repay the amount received from the petitioner and accordingly he had repaid a sum of Rs.3,00,000/- and refused to repay the balance amount. The petitioner requested the counter petitioner to repay the balance amount, but the counter petitioner refused to return the amount and threatened the petitioner with dire consequences. Hence, the petitioner lodged a complaint with the respondent police on 26.09.2015. Though the complaint has been assigned C.S.R.No.444 of 2015, no action was taken so far. Hence, this petition.

3.The learned Additional Public Prosecutor would submit that the matter is purely civil in nature and only in order to give criminal colour, the complaint has been lodged with allegation of being threatened and thus strongly opposed to grant direction.

4.I have heard the learned counsel appearing for the petitioner as well as the learned Additional Public Prosecutor.

5.This Court directs the respondent to conduct enquiry on the complaint dated 26.09.2015 given by the petitioner and upon enquiry, if materials are gathered indicating commission of any cognizable offence, is directed to proceed further in accordance with law, as early as possible or otherwise, if the respondent comes to the conclusion that the matter is of civil in nature, the petitioner may be advised to approach the Civil Court.

6.With the above directions, the Criminal Original Petition is disposed of.

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-s/d-

Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

To

1. The Inspector of Police,
Crime,
T-3, Police Station,
Korattur
Chennai - 600 080.

2. The Public Prosecutor
High Court, Madras.

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