

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.26258 of 2015

Muthukumar

... Petitioner

Vs

1.The Inspector of Police,
T-14 Mangadu Police Station,
Mangadu, Chennai - 600 122.

2.The Sub Inspector of Police,
T-4 Mangadu Police Station,
Mangadu, Chennai - 600 122.

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. seeking a direction to the respondent to register the complaint dated 26.09.2015 and to investigate the matter in accordance with law and submit report within a time frame.

For Petitioner : Mr.R.Kalyan Kishen Singh

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

O R D E R

The present criminal original petition has been filed seeking a direction to the respondent to register a case based on the complaint given by the petitioner dated 26.09.2015, investigate the same in accordance with law and also to file a final report within the time to be fixed by this Court.

2. The petitioner agreed to purchase a property from one Kanniyappan and his wife Thilagavathy for a sum of Rs.15,00,000/- and an agreement was entered into between the petitioner and the opposite party. The petitioner also paid a sum of Rs.8,50,000/- and the remaining amount was agreed to be paid at the time of registration. But, the said Kanniyappan, after receiving the payment, failed to sell the property to the petitioner and sold same to some other third parties without the knowledge of the petitioner. After coming to know the same, when the petitioner approached said Thilagavathy for refund of

the amount paid by the petitioner, she threatened the petitioner with dire consequences. Hence, the petitioner lodged a complaint before the first respondent on 10.01.2015 and C.S.R.No.6 4 of 2015 was assigned to said complaint. Since no action was taken thereafter, the petitioner came forward to file this petition.

3. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor representing the respondents.

4. The learned Additional Public Prosecutor submitted that the matter is purely civil in nature and only in order to give a criminal colour, the allegation that the petitioner is being threatened by the counter petitioners has been made in the complaint. Thus, he opposed to give any direction to register the case.

5. After considering the rival submissions, this Court is of the view that since the CSR number has been already assigned, it would be appropriate to direct the respondent to conduct enquiry and dispose the complaint. Accordingly, the respondent is directed to conduct enquiry based on the complaint lodged by the petitioner and if the respondent comes to the conclusion during the course of enquiry that the dispute is civil in nature, the respondent is directed to pass appropriate orders directing the petitioner to approach the civil Court.

6. The Criminal Original Petition is disposed of with the above direction.

Sd/-
Assistant Registrar(CS IV)

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सत्यमेव जयते

Sub Assistant Registrar

gpa

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To

1.The Inspector of Police,
T-14 Mangadu Police Station,
Mangadu, Chennai - 600 122.

2.The Sub Inspector of Police,
T-4 Mangadu Police Station,
Mangadu, Chennai - 600 122.

3.The Public Prosecutor,
High Court, Madras.

+ 1 cc to M/s. R. Kalyan Kishen Singh, Advocate SR.62420

Crl.O.P.No.26258 of 2015

AK(CO)
EU 27.11.2015



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