

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.27327 of 2015

A.Raju

... Petitioner

Vs

1.The Superintendent of Police,
Salem District.

2.The Deputy Superintendent of Police,
Salem District Crime Branch,
Office of District Superintendent
of Police,
Nethimedu, Salem - 636 002.

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the second respondent to register the FIR as per the petitioner's complaint dated 29.9.2015 against the above said persons.

For Petitioner : Mr.M.Thamizhavel

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

ORDER

The present criminal original petition has been filed seeking a direction to the second respondent to register the FIR as per the petitioner's complaint dated 29.9.2015 against the accused persons.

2. In the petition, it is averred that the petitioner is a builder and he agreed to construct a B.Ed. College for worth about Rs.5,98,50,000/- for one Annai Educational Trust on 12.12.2012 and as agreed by him, he completed the construction. But, the trustees of the said Trust paid him only a sum of Rs.15,00,000/- and they have not paid the balance amount. When the petitioner approached the trustees of the Trust, they are threatening the petitioner with dire consequences. Hence, he has lodged a complaint before the first respondent, who in turn,

forwarded the same to the second respondent. But, till date, no action was taken on the said complaint. Hence, the present petition.

3. Learned Additional Public Prosecutor vehemently opposed to give such a direction stating that the matter is purely civil in nature and the same has to be agitated only before the civil forum.

4. I find some force in the submission made by the learned Additional Public Prosecutor. The petitioner ought to have approached the civil Court and this Court cannot give a direction to the respondent police to enquire into the matter. Therefore, the prayer that has been made in this criminal original petition cannot be granted. Hence, the present criminal original petition is dismissed. However, the petitioner is at liberty to work out his remedy in a manner known to law, if he is so advised.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

sbi

To

- 1.The Superintendent of Police,
Salem District.
- 2.The Deputy Superintendent of Police,
Salem District Crime Branch,
Office of District Superintendent of Police,
Nethimedu, Salem - 636 002.
- 3.The Public Prosecutor,
High Court, Madras.

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KK(CO)
EU 15.12.15