

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2015

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

Cr1.O.P.No.27337 of 2015

E.Vijaya

... Petitioner

Vs

1. The Superintendent of Police,
Karaikkal District,
Karaikkal & Post,
Puducherry State.
2. The Inspector of Police,
Ambagarathur Police Station,
Karaikkal District,
Karaikkal.
3. Halikkul Jaman ... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondents 1 and 2 to register a crime on the complaint of the petitioner dated 21.10.2015 filed before them and to investigate the matter and to punish the offenders as per the law.

For Petitioner : Mr.K.M.Subrahmaniam

For Respondents: Mr.V.Balamurugane,
Addl.Public Prosecutor (Pondy),
for R.1 and R.2

सत्यमेव जयते
ORDER

The present criminal original petition has been filed seeking a direction to the respondents 1 and 2 to register a case on the complaint of the petitioner dated 21.10.2015 filed before them and to investigate the matter and to punish the offenders as per the law.

2. It is the case of the petitioner that her husband one Elangovan had entered into an agreement of sale dated 08.01.1997 with the third respondent and paid a sum of Rs.1,00,000/- as advance. The total sale consideration was Rs.7,34,000/-. As per the sale agreement, the third respondent, who is the owner of the property, had received the part sale amount to the tune of Rs.6,93,700/- on various dates. After execution of the sale agreement in favour of the

petitioner's husband, the third respondent made endorsement for the receipt of the part of sale consideration in the said agreement itself. The petitioner's husband was always ready to comply with the conditions of the sale agreement. But, the third respondent who is a French citizen, fled to France and stayed there for years together without any contact. Since the property was handed over to the petitioner's husband on the date of agreement of sale itself, he was in possession of the property. Later, it came to light that the third respondent had already entered into a similar type of sale agreement dated 25.01.1975 in respect of the same property with one Ramachandran by mentioning her mother's one Umma Habiba Bivi, as a joint party to the agreement. Even the said Ramachandran was also cheated by the third respondent. Hence, the said Ramachandran filed a suit in O.S.No.30 of 1976 and got decree in his favour. While so, the petitioner's husband died on 02.02.2015. Now, the third respondent with the support of some police officials and some anti social elements filed a false complaint as against the petitioner and her legal heirs to evict them illegally. Hence, the petitioner lodged a complaint with the second respondent police on 21.10.2015. But, till date, no action was taken on the said complaint. Hence, the petition.

3. Learned Additional Public Prosecutor submitted that on the complaint given by the petitioner dated 21.10.2015, enquiry was conducted and the same was closed as civil in nature.

4. However, learned counsel appearing for the petitioner denied the same and submitted that there is an allegation of cheating on the part of the third respondent.

5. Irrespective of the submissions made on either side, I am of the opinion, since the complaint dated 21.10.2015 given by the petitioner was already closed as civil in nature, 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 her remedy under Section 156 (3) Cr.P.C., if she is so advised.
sbi

Sd/-

Assistant Registrar (CS-III)

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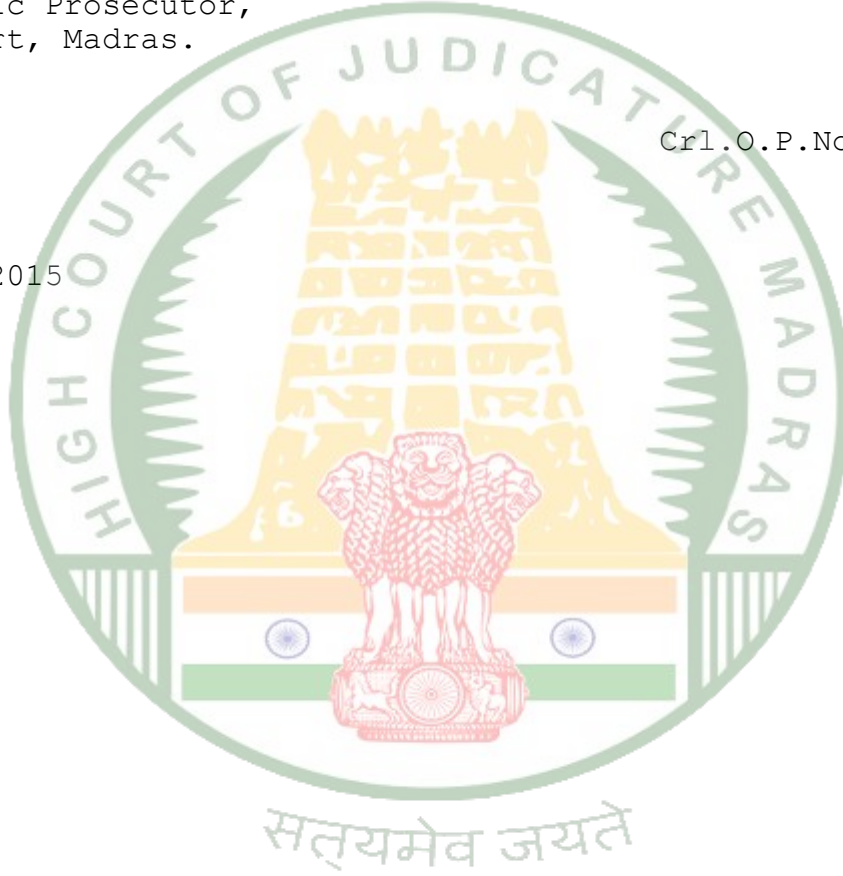
Sub-Assistant Registrar

To

1. The Superintendent of Police,
Karaikal District,
Karaikal & Post,
Puducherry State
2. The Inspector of Police,
Ambagarathur Police Station,
Karaikkal District,
Karaikkal
3. The Public Prosecutor,
High Court, Madras.

Cr1.O.P.No.27337 of 2015

NM(CO)
sd : 22/12/2015



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