

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.02.2015

CORAM

The Hon'ble Mr. Justice R.S.Ramanathan

CRL.OP.No.2754 of 2015

C.S.Manian

.. Petitioner

Vs.

Inspector of Police,
(Law and Order)

C2, Flower Bazar Police Station,
Chennai.

.. Respondent

Criminal Original Petition filed under Section 482 of the Criminal Procedure Code praying to direct the Inspector of Police, Law & Order, C2 Flower Bazar Police Station to register the FIR conduct fair investigation and file a final report against the above said person in CSR No.48/CSR/C2 L & O /15 dated 27.01.2015.

For petitioner : No appearance

For Respondent : Mr.M.Maharaja

Additional Public Prosecution

ORDER

Heard the learned counsel for the petitioner/defacto complainant.

2. It is submitted by the learned counsel for the petitioner that the petitioner was entrusted with the work of reconstructing a building for All India Devanger Welfare Association and though 90% of the construction was completed, balance amount due to the petitioner was not paid by the All India Devanger Welfare Association, who is the owner of the property. Therefore, the petitioner filed an Original Suit in O.S.No.966 of 2014 on the file of III Additional Judge, Chennai for the aforesaid amount payable by the said All India Devanger Welfare Association. Learned counsel further submits that the petitioner also kept his articles in the building and on 26.01.2015, Mr.S.S.M.P.Elango, Natarajaperumal and Rajagopal broke open the lock of the building and trespassed and therefore, a complaint was given by the petitioner and the same has been taken on file by the Inspector of Police, Chennai and it is in CSR stage.

3. It is submitted by the learned Public Prosecutor that Rajagopal, filed an Original Suit in O.S.No.668 of 2015 against the petitioner herein and he has also obtained an order of Interim Injunction in I.A.No.1717 of 2015 and the said suit is pending before XI Assistant Judge, City Civil Court, Chennai.

4. As there are already disputes pending between the petitioner and the General Secretary of the aforesaid Association, Viz., P.Rajagopal, the questions as to whether the building has been constructed and completed and whether any amount payable by the office bearers of All India Devanger Welfare Association to the petitioner have to be decided only in the Original Suits pending and no criminal offence is made out against the aforesaid person. Hence, the Criminal Original Petition is dismissed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

1.The Inspector of Police,
(Law and Order)
C2, Flower Bazar Police Station,
Chennai.

2.The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.Kumar Telaraja, Advocate, SR.10786.

gj (co)
krd 30/4

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सत्यमेव जयते

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