

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2015

CORAM:

THE HON'BLE Mr.JUSTICE R.SUBBIAH

Crl.O.P.No.27551 of 2015

Shouri Subhash Reddy

... Petitioner

Vs.

1.The Superintendent of Police
District Police Head Quarters,
Tiruvallur District.

2.The Inspector of Police
Mappadu Police Station,
Mappadu,
Tiruvallur District.

... Respondents

K.S.Raghupathi

... Intervenor

(Intervenor impleaded as per the order
of this Court made in M.P.No.1 of 2015
in Crl.O.P.No.27551 of 2015 dated
08.12.2015)

Prayer :

Criminal Original Petition filed under Section 482 of the Code
of Criminal Procedure, praying to direct the 2nd respondent police to
register the complaint dated 08.09.2015.

For Petitioner : M/s.Karan and Uday

For Respondents: Mr.C.Emalias
Additional Public Prosecutor

For Intervenor : Ms.R.Aparna

ORDER

This petition is filed for a direction to the respondent 2nd
respondent police to register the complaint dated 08.09.2015.

2.In the petition it is stated that the petitioner had
purchased some agricultural land in Mappadu village in Thiruvallur
Taluk from one S.R.Charles Balavendar Reddy son of S.Rayappa Reddy

vide document no.81 of 2012 on the file of Perambakkam Sub-Registrar Office and he is in enjoyment of the same from the date of purchase. Whiles, in the month of December, 2012 one K.S.Raghupathy son of Siddiah approached the petitioner to purchase the lands and the petitioner also agreed to sell the land in S.No.483C/3B to an extent of 1.00 Acre in Mappedu village and also entered into an unregistered sale agreement with the said Raghupathy on 19.12.2012 and the sale consideration was also fixed at Rs.One Lakh per cent and the said Raghupathy paid a sum of Rs.3 Lakhs as advance on the total sale consideration and the balance sale consideration of Rs.97 Lakhs is to be paid by the said Raghupathy on or before 14.02.2013 and it was also mutually agreed that if the balance sale consideration was not paid by the said Raghupathy on or before 14.02.2013, the advance amount of Rs.3 Lakhs paid by him will be forfeited.

3.It is further stated that thereafter, the said Raghupathy paid the petitioner only a sum of Rs.7 Lakhs and thereafter, he expressed his inability to complete the sale transaction and the said Raghupathy also requested the petitioner to refund the amount of Rs.10 Lakhs paid to him. It is further stated that since the petitioner stayed far away from the place, the said Raghupathy also requested the petitioner to execute a Power of Attorney in favour of his son so that he can negotiate with the third parties and get higher amount for the petitioner. The petitioner believing the words of the said Raghupathy, refunded the amount of Rs.10 Lakhs and also executed a General Power of Attorney in favour of K.R.Karthick son of K.S.Raghupathy vide document no.383 of 2013 on the file of SRO/Perambakkam. Thereafter, there is no response from the said K.S.Raghupathy and later the petitioner came to know that the said K.S.Raghupathy is making sham and nominal sale deed with an intention to grab the petitioner's land. Hence, the petitioner cancelled the power deed and informed the same to both K.S.Raghupathy and his son.

4.It is further stated that during July, 2015 the said K.S.Raghupathy and K.R.Karthick with the help of rowdy elements trespassed into the petitioner's land and illegally dumped bricks and blue metal in his lands and when the petitioner questioned about the same, they threatened the petitioner and hence, the petitioner lodged a complaint on 08.09.2015, but, till date no action has been taken. Hence, this petition.

5.The learned Additional Public Prosecutor submitted that the petitioner is not cooperating with the respondent police for enquiry.

6.The learned counsel appearing for the intervenor submitted that the matter is purely civil in nature and thus opposed to grant any direction as sought for by the petitioner.

7.I heard the learned counsel appearing for the petitioner, the learned counsel appearing for the intervenor as well as the learned Additional Public Prosecutor.

8.In view of the submissions made on either side, this Court directs the second respondent to conduct enquiry on the complaint given by the petitioner dated 08.09.2015 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. If no prima facie case is made out the respondent is at liberty to pass appropriate order on the said complaint. The petitioner is also directed to co-operate with the respondent police for enquiry.

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

Sd/-

Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

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To

1.The Superintendent of Police
District Police Head Quarters,
Tiruvallur District.

2.The Inspector of Police
Mappadu Police Station,
Mappadu,
Tiruvallur District.

3.The Public Prosecutor
High Court, Madras.

GJ (CO)
kk 23/12

Cr1.O.P.No.27551 of 2015