

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.28030 of 2015

SC.Pandian

... Petitioner

Vs

1. The State,
represented by the Commissioner of Police,
Vepery,
Chennai - 600 007.
 2. Inspector of Police,
Central Crime Branch,
Chennai - 600 007.
- ... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondents to file the First Information Report under sections 406, 420, 417 and 506 of IPC and to investigate into the case and file a final report in accordance with law.

For Petitioner : Ms.Shabnam Banu

For respondents : Mr.C.Emalias,
Addl.Public Prosecutor for R1

O R D E R

The present petition has been filed to direct the respondents to file the First Information Report under sections 406, 420, 417 and 506 of IPC and to investigate into the case and file a final report in accordance with law.

2. The petitioner herein lodged a complaint as against Gururajan, G.Muthuramalingam, Papathiammal, SP.Shanthi, Balaji and TI.Kumar stating that the said Pathiammal W/o Mottayandi, one P.Shanthi, W/o SM Pandian and SP.Balaji S/o SM Pandian own 10 properties in Tamil Nadu. One N.Gururajan who is the power agent of the above said owners along with one G.Muthuramalingam and TI. Kumar approached the petitioner for sale of properties owned by M.Papathiammal, P.Shanthi and SP.Balaji. The petitioner submits that after much persuasion, the petitioner agreed to purchase the property and paid Rs.5,20,00,000/- as sale

consideration to N.Gururajan. After receipt of sale consideration, the said Gururajan had not entered into an agreement to sell the property. When the petitioner approached the said Gururajan and others to execute the sale deed they threatened him with dire consequences. Therefore, a complaint has been lodged on 15.10.2015. But till date, no action has been taken. Hence, the present petition.

3. When the matter is taken up for consideration, learned Additional Public Prosecutor submitted that the matter appears to be civil in nature since the dispute is with regard to the sale transaction and hence, he opposed this petition.

4. However, learned counsel for the petitioner submitted that there is an element of cheating. He further submitted that by giving false promise, the said Gururajan and others have collected an amount of Rs.5,20,00,000/- from the petitioner and now, they are refusing to register the sale deed and they have no inclination to return the amount also. Hence, the petitioner has sought for a direction from this Court.

5. Considering the factual aspects of the case, without going into the merits and the contentions raised on either side, this Court directs the 2nd respondent police to conduct an enquiry on the complaint dated 15.10.2015 given by the petitioner and if the materials gathered indicate commission of any cognizable offence, the 2nd respondent police is directed to investigate the matter and proceed further in accordance with law. If the 2nd respondent police comes to the conclusion that no prima facie case has been made out, the 2nd respondent police is directed to pass appropriate orders on the said complaint as early as possible.

5. Accordingly, the criminal original petition is disposed of.

vsi

s/d-

Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

To

1. The Commissioner of Police,
Vepery,
Chennai - 600 007.
2. Inspector of Police,
Central Crime Branch,
Chennai - 600 007.

3. The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.S.Sivaraman, Advocate SR 63701

pur(co)
prk11/12

Cr1.O.P.No.28030 of 2015



WEB COPY