

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2015

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THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.28099 of 2015

K.K.V.Seetharaman

... Petitioner

Vs

State by:

1.The Superintendent of Police,
Kancheepuram District,
Kancheepuram.

2.The Inspector of Police,
Sriperumbudur Police Station,
Kancheepuram District.

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. seeking a direction to the 2nd respondent to register the complaint given by the petitioner dated 02.09.2015 in accordance with law.

For Petitioner : Ms.R.Aparna

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

सत्यमेव जयते
O R D E R

The present Criminal Original Petition has been filed seeking a direction to the 2nd respondent to register the complaint given by the petitioner dated 02.09.2015 in accordance with law.

2. In the affidavit accompanying the petition, the petitioner has stated that originally the land measuring an extent of 0.45 cents belonging to him in Survey No.59/2A was

converted into S.No.59/3 situated at Kandamangalam Village, Sriperumbudur Taluk, Kancheepuram District. An agreement was entered into between the petitioner and Beickam Chand, son of Misrilal on 24.07.2014, wherein the amount of Rs.57,00,000/- for 45 cents was fixed and it was also admitted by him that the amount would be given as soon as possible. Unfortunately, the said Beickam Chand has not kept up his promise. In spite of repeated requests, the said Beickam Chand did not come forward to give the money as promised.

3. The petitioner would further submit that he gave a complaint to the 2nd respondent on 20.09.2014 and C.S.R. was also given to that effect. In spite of the undertaking given by Beickam Chand, on 24.07.2014 in front of the well-wishers, he had not kept up his promise. In the month of April 2015, one Mr.Murali threatened the petitioner along with henchmen of Beickam Chand, Mahaveer Chand @ Kishore, Baskar and Murali. All these four people threatened the petitioner with dire consequences. On suspicion, the petitioner applied Encumbrance Certificate and found that out of 45 cents, they already sold 2 plots bearing Nos.39 and 40 situated at Kandamangalam Village, Sriperumbudur Taluk, Kancheepuram District. The said 45 cents of land was divided and made out as plots to be sold to interested purchasers. Even though a complaint is pending with the 2nd respondent, Beickam Chand and his henchmen daringly sold the plots to third parties. As the respondent failed to take action on the petitioner's complaint, dated 09.06.2015, he was constrained to file CrI.O.P.No.21161 of 2015. He later on came to know that there was no mention in the complaint dated 09.06.2015 about two plots bearing Nos.39 and 40 out of an extent of 45 cents. In spite of giving notice to the respondents on 02.09.2015 itself, till date no action has been taken against the culprits by the respondents. Hence, having no other alternative remedy, the petitioner has come up with the present Criminal Original Petition.

4. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

5. Considering the submissions made on either side, this Court is of the opinion that it is appropriate to direct the petitioner to send a copy of the complaint dated 02.09.2015 to the 2nd respondent within a period of one week from the date of receipt of a copy of this order and upon receipt of the same,

the 2nd respondent is directed to conduct an enquiry and upon enquiry, if no prima facie case is made out, he is directed to pass appropriate orders in accordance with law.

This Criminal Original Petition is disposed of accordingly.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
Sriperumbudur Police Station,
Kancheepuram District.
2. The Superintendent of Police,
Kancheepuram District,
Kancheepuram.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Ms.R.Aparna, Advocate, S.R.No.66650

CrI.O.P.No.28099 of 2015

SV(CO)
CA(08/01/2016)

सत्यमेव जयते

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