

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.28222 of 2015

B.Krishnan

... Petitioner

Vs

1. The Superintendent of police,
Dharmapuri District.

2. The Inspector of Police,
District Crime Branch,
Dharmapuri District.

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondents to register the case on the complaint dated 17.08.2015 given by the petitioner and investigate the same in accordance with law and to file the final report within the time fixed by this Court.

For Petitioner : Mr.M.Ravi

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

O R D E R

This petition has been filed to direct the respondents to register the case on the complaint dated 17.08.2015 given by the petitioner and investigate the same in accordance with law and to file the final report within the time fixed by this Court.

2. The case of the petitioner is that three persons namely, one Raja, K.Srinivasan and Manivannan induced the petitioner to purchase the land in Survey No.429/3A, 3b, 3c in A. Reddy Halli Village. Believing their words, the petitioner paid Rs.1 lakh as advance. Thereafter, the petitioner paid Rs.9 lakhs to them and finally, he gave Rs.5 lakhs. But the said three persons collected the amount from the petitioner and without executing the sale deed, they cheated him. Hence, the petitioner lodged a complaint on 17.08.2015 before the respondent police. Since no action was taken so far, the present petition has been filed.

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

4. Learned Additional Public Prosecutor submitted that the matter was enquired into and since the matter is civil in nature, after completion of enquiry, the petition was closed. He also produced a closure report before this Court and a copy of the closure report was also given by the learned Additional Public Prosecutor to the learned counsel appearing for the petitioner.

5. Learned counsel for the petitioner submitted that there is an element of cheating.

6. In view of the submission made by the learned Additional Public Prosecutor, this Court cannot give a positive direction as prayed for by the petitioner. Hence, the criminal original petition stands dismissed. However, the petitioner is at liberty to work out his remedy under section 156(3) Cr.P.C.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

vsi
To

1. The Superintendent of police,
Dharmapuri District.

2. The Inspector of Police,
District Crime Branch,
Dharmapuri District.

3. The Public Prosecutor,
High Court, Madras.

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