

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Crl.O.P.No.28338 of 2015

Venkatachalam

... Petitioner

Vs

1. State, represented by
The Superintendent of Police,
Dharmapuri District,
Dharmapuri.

2. State, represented by
Inspector of Police,
District Crime Branch,
Dharmapuri District

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. seeking a direction to the respondent to enquire and register a case on the complaint of the petitioner dated 2.10.2015.

For Petitioner : M. Selvam

For Respondent : Mr.C. Emalias
Addl. Public Prosecutor.

O R D E R

The present criminal original petition has been filed seeking a direction to the respondent to register a case on the complaint of the petitioner dated 2.10.2015.

2. The petitioner is a driver by profession. One Sivalingam, approached the petitioner and informed him that he would get land at very cheap price and took him to Thadangam Village, Dharmapuri District and showed a piece of land measuring 0.35 ares belonging to one Ganesan. The petitioner entered into an agreement of sale on 6.12.2013 with the said Ganesan and paid Rs.2,00,000/- in the presence of witnesses. Subsequently, he paid Rs.11,00,000/- on 7.9.2014. Though the petitioner was ready with the balance sale consideration, the said Ganesan and Sivalingam delayed the execution of the sale deed. On 25.9.2015, at 11 a.m., when the petitioner met the owner of the said land viz., Ganesan and Sivalingam with the balance sale consideration and requested him to execute a sale deed, they abused the petitioner in filthy language and also threatened him with dire consequences. Further on 1.10.2015, at 6.00 p.m., both Sivalingam and

Ganesan along with some unknown persons came to the petitioner's house and indiscriminately attacked every one at home including women and elderly persons. Hence the petitioner has given a complaint before the respondent on 2.10.2015 against the above persons, but till now, the respondent has failed to take any action.

3. Learned counsel for petitioner submitted that though the complaint was lodged on 02.10.2015, till date, the respondent police has not registered any case on his complaint. Hence, the present criminal original petition has been filed.

4. Learned Additional Public Prosecutor submitted that the matter appears to be purely civil in nature and in order to give criminal colour, the allegation of being threatened was purposely introduced in the complaint. Thus he opposed for granting direction.

5. I have heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent.

6. However, irrespective of the submissions made on either side, this Court is of the opinion that it is appropriate to direct the respondent to conduct an enquiry on the complaint dated 02.10.2015 given by the petitioner with regard to the specific allegation made by the petitioner that he was being threatened by the said Sivalingam and Ganesan and upon enquiry, if materials are gathered indicating any cognizable offence, the respondent shall proceed further in accordance with law as early as possible. If no prima facie case is made out for investigation, the respondent is directed to pass appropriate order on the complaint.

7. This criminal original petition is disposed of accordingly.

msr

Sd/-
सत्यमेव जयते

Assistant Registrar (CS-III)

/True Copy/

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Sub-Assistant Registrar

To

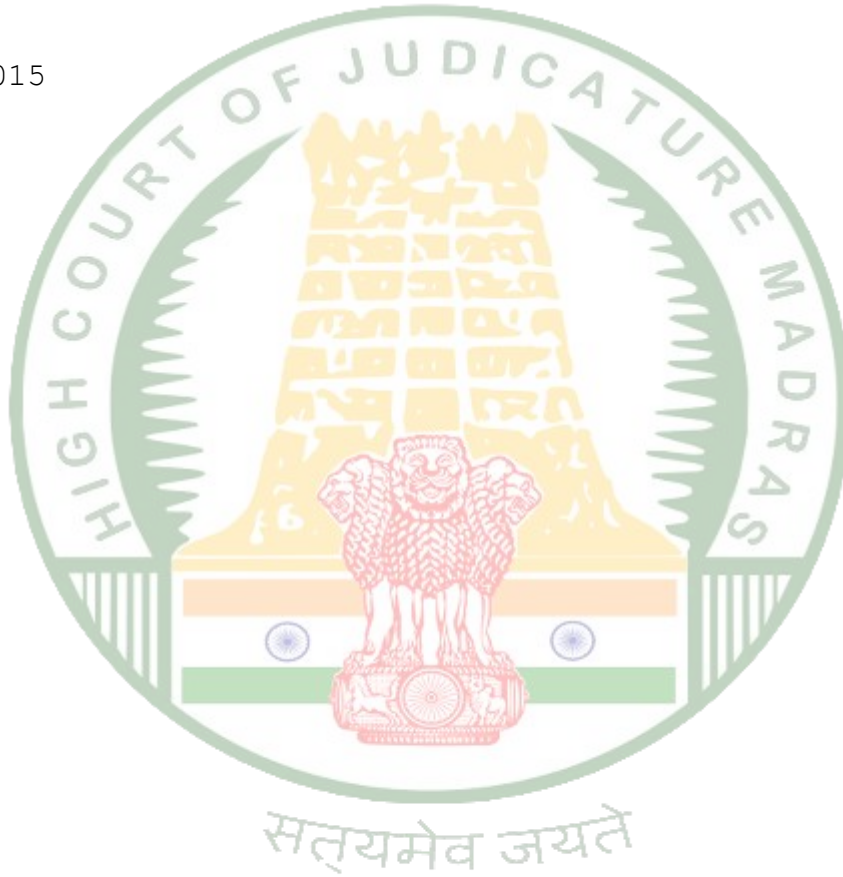
1. The Superintendent of Police,
Dharmapuri District,
Dharmapuri.
2. The Public Prosecutor,
High Court, Madras.

+1 C.C. To MR.M.Selvam, Advocate in SR.NO.64091

CrI.O.P.No.28338 of 2015

AD(CO)

sd : 14/12/2015



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