

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Crl.O.P.No.28379 of 2015

C. Shanmugasundaram

... Petitioner

Vs

The Inspector of Police,  
Madukarai Police Station,  
Madukarai, Coimbatore District

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. seeking a direction to the respondent to register the petitioner's complaint dated 22.2.2015 within the time stipulated by this Court.

For Petitioner : Mr.S. Ramesh

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 the petitioner's complaint dated 22.2.2015 within the time stipulated by this Court.

2.The petitioner is a Building Contractor. One Kalidas has approached the petitioner to build a house for him on a contractual basis. The estimation for the building of house was given to the said Kalidas and the petitioner also started the work and completed the work and constructed the house. The amount for constructing the building was fixed and agreed by both parties as Rs.15,20,000/-, but the said Kalidas gave only Rs.2,60,000/- and he further stated that he will give the remaining amount to the petitioner at the time of handing over the possession. After finishing the construction work, when the petitioner demanded the balance payment, the said Kalidas behaved rudely and forced the petitioner to hand over the possession of house to him. In the circumstances, the said Kalidas, without settling the balance amount, came to the petitioner's house on 22.2.2015 with four unknown persons and

assaulted the petitioner and abused him in a filthy language and also threatened him with dire consequences. Hence the petitioner has given a complaint before the respondent on 22.2.2015 against the said Kalidas and CSR was also issued by the respondent in CSR No.44 of 2015, but till now, the respondent has failed to take any action .

3. Learned counsel for petitioner submitted that though the complaint was lodged on 22.02.2015, 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. However, learned counsel for the petitioner denies the same and submitted that there is a specific allegation that this petitioner was threatened and assaulted.

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

7. 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 22.2.2015 given by the petitioner. 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.

8. This criminal original petition is disposed of accordingly.

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Sd/  
ASSISTANT REGISTRAR (CCc)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

msr

To

1.The Inspector of Police,  
Madukarai Police Station,  
Madukarai, Coimbatore District

2. The Public Prosecutor,  
High Court, Madras.

+1 CC to MR.S.Ramesh Advocate. SR.NO. 63980

CrI.O.P.No.28379 of 2015

CO-PVR  
JD 17/12/2015



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