

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

CrI.O.P.No.28495 of 2015

1.K.Dhanesh

2.G.Kailash Rajan

3.C.Kumar

... Petitioners

Vs

1. The State,
Rep. by the Inspector of Police,
Chengalpet Taluk Police Station,
Kancheepuram District.

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

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the first respondent to register the FIR on the basis of the petitioner's complaint dated 16.09.2015 on the file of the first respondent under CSR No.538 of 2015.

For Petitioners: Mr.S.Lingesh

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

O R D E R

This petition has been filed to direct the first respondent to register the FIR on the basis of the petitioner's complaint dated 16.09.2015 on the file of the first respondent under CSR No.538 of 2015.

2. The petitioner herein lodged a complaint as against one Elan Rose Mary and her sons Erpert Japaraj and Kristober Paulraj on the allegation that the said persons offered to sell their land and an agreement was entered into and they received Rs.5 lakhs from the petitioner. After receipt of Rs.5 lakhs, they informed that they are moving the revenue authorities to get individual patta and as soon as they get the patta, they will sell the property and they further received Rs.50,000/- from the petitioner stating that they are in need of amount to conduct the civil dispute pending before the court. Thus, a sum of Rs.5,50,000/- was received by them. Now, they refused

to sell the property to the petitioner, after receiving the amount and they are also taking effects to sell the property to third party. Hence, the petitioner has lodged a complaint.

3. Learned Additional Public Prosecutor submitted that the matter is purely civil in nature and the petitioner has to work out his remedy before the Civil Court. Thus, he opposed the petition.

4. However, learned counsel or the petitioner denies the same stating that there is an element of cheating on the part of the accused persons. Hence, he sought for the above said direction.

5. Considering the submission made on either side, this Court directs the respondent police to conduct an enquiry on the complaint given by the petitioner dated 16.09.2015 and dispose of the CSR No.538/2015 in accordance with law as early as possible.

6. The criminal original petition is disposed of accordingly.
vsi

Sd/-
Assistant Registrar (C.C.C)

/True Copy/

Sub-Assistant Registrar

To

1.The Inspector of Police,
Chengalpet Taluk Police Station,
Kancheepuram District.

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

3.The Public Prosecutor,
High Court, Madras.

+1 C.C. To MR.S.Lingesh, Advocate in SR.NO.64295

Cr1.O.P.No.28495 of 2015

PVR(CO)
sd : 21/12/2015