

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.28750 of 2015

Sivakumar

... Petitioner

Vs

State by:

1. Superintendent of Police,
Dharmapuri District.

2. The Inspector of Police,
Adhiyamankottai Police Station,
Dharmapuri District.

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. seeking a direction to the respondent police to register a case on the complaint given by the petitioner on 18.10.2015.

For Petitioner : Mr.P.M.Jayachandran

For Respondents : Mr.C.Emalias

Additional Public Prosecutor

O R D E R

The present criminal original petition has been filed seeking a direction to the respondent police to register a case based on the complaint of the petitioner dated 18.10.2015.

2. The case of the petitioner is that on 28.01.2013, the petitioner borrowed a sum of Rs.30 lakhs as loan from one Karikalan and Sathiyamoorthy for developing his business. In spite of paying the dues, the petitioner has decided to sell his house property situated at Royal Nagar, Dharmapuri District to the counter petitioners, thereby he would settle the entire loan amount along with interest of Rs.44 lakhs. The value of the above said property would be Rs.1 1/2 crores. But, the counter petitioners demanded lower amount of Rs.1 1/4 crores and the petitioner has accepted the terms that after deducting his loan amount of Rs.44 lakhs, the counter petitioners have to pay the balance sum of Rs.88 lakhs. Accordingly, the petitioner has executed a sale deed in favour of the counter petitioners. The petitioner demanded to pay the balance amount of Rs.88 lakhs, but the counter petitioners along with rowdy elements threatened the petitioner and his family members with dire consequences.

Hence, a complaint has been lodged before the respondent police on 18.10.2015 and on receipt of the same, C.S.R.No.332 of 2015 has been assigned. But, no action has been taken so far. Therefore, the present criminal original petition has been filed.

3. I have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

4. The learned Additional Public Prosecutor has vehemently opposed to grant direction that it is purely civil dispute and the petitioner has given criminal colour by introducing the allegation of being threatened. But, the learned counsel for the petitioner denies the same and thus sought for direction.

5. In view of the submissions made on either side and considering the allegations of being threatened, this Court is of the view that the second respondent police is directed to conduct enquiry on the complaint given by the petitioner dated 18.10.2015 in C.S.R.No.332 of 2015 only with regard to the allegation of being threatened by the counter petitioners and upon enquiry, if materials are gathered indicating commission of any cognizable offence, he is directed to proceed further in accordance with law. During the course of enquiry, the 2nd respondent comes to the conclusion that the matter is purely civil in nature, the 2nd respondent may pass an appropriate order in accordance with law.

6. This criminal original petition is disposed of accordingly.
ari

s/d-
Assistant Registrar(CS-II)

True Copy

Sub-Assistant Registrar

To

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

+ 1 cc to Mr.P.M.Jayachandran, Advocate SR 65446

svi(co)
prk5/1

Cr1.O.P.No.28750 of 2015