

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2015

CORAM:

THE HON'BLE Mr.JUSTICE R.SUBBIAH

CrI.O.P.No.28964 of 2015

V.Elumalai

... Petitioner

Vs.

1. The Commissioner of Police,
EVK Sampath Salai,
Vepery, Chennai - 600 007.

2. The State,
rep. by the Inspector of Police,
K.10, Police Station,
Koyambedu, Chennai - 600 107.

... Respondents

Prayer :

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to direct the 2nd respondent to register the complaint dated 08.05.2015 given by the complainant, take up necessary investigation as per law and submit the report of investigation to the Judicial Magistrate Court concerned.

For Petitioner : M/s.Raja Priya Venkatraman

For Respondents: Mr.C.Emalias

Additional Public Prosecutor

ORDER

This petition is filed for a direction to the second respondent to register the complaint dated 08.05.2015 given by the complainant, take up necessary investigation as per law and submit the report of investigation to the Judicial Magistrate Court concerned.

2.In the petition it is stated that the petitioner is engaged in the business of constructing building and he entered into an agreement on 09.12.2012 with one Periyasamy for construction of buildings in the site at No.47, Karthigai Street, Chelliamman Nagar, Nerkundram, Chennai - 600 107, which included the payment schedule and the last payment is to be given to the contractor on completion of work.

3.It is further stated that even though the work was completed and the buildings were handed over to the land owner, a sum of Rs.5 Lakhs is due and payable to the petitioner. Hence, on 18.12.2014, a panchayat was held between the petitioner and the land owner in the presence of one M.Jothilakshmi, sister of the land owner and one S.R.Ravi, a prominent member of political party and the land owner and his sister assured that they would give the amount within two months. But till now they had not done so. Hence, the petitioner lodged a complaint on 08.05.2015. But, no action has been taken till now. Hence, this petition.

4.Today, when the matter was taken up for consideration, the learned Additional Public Prosecutor submitted that the issue is only with regard to the recovery of money and thus opposed to give any direction as sought for by the petitioner.

5.Considering the averments made in the petition and in view of the submissions made by the learned Additional Public Prosecutor, this Court is of the opinion that the matter is purely civil in nature and therefore, this Court is not inclined to give any direction to the respondent police. Hence, this Criminal Original Petition is dismissed.

pri

s/d-
Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

To

1. The Commissioner of Police,
EVK Sampath Salai,
Vepery, Chennai - 600 007.
2. The Inspector of Police,
K.10, Police Station,
Koyambedu, Chennai - 600 107.
3. The Public Prosecutor
High Court, Madras.

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Cr1.O.P.No.28964 of 2015