

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.29098 of 2015

M.Saravanan

... Petitioner

Vs

1. The Commissioner of Police,
Commissioner Office,
Coimbatore City,
Coimbatore District.

2. R.Ravi

3. B.Raja

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. seeking a direction to the 1st respondent to register the petitioner's complaint dated 06.11.2015.

For Petitioner : Mr.S.Ramesh

For 1st 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 1st respondent to register the petitioner's complaint dated 06.11.2015.

2. According to the petitioner, he got introduced to the 2nd and 3rd respondents through one Sakthivel. Stating that they are doing Real Estate business and they are selling land in Coimbatore City at a cheaper rate, the 2nd and 3rd respondents induced the petitioner to buy land from them. Believing their sweet-coated words, the petitioner purchased a land measuring about 3 cents 432 sq. ft. situated in Nallampalayam, Rajiv Gandhi Road, in the name of his wife, Mrs.Umavathy, by paying a sum of Rs.17,00,000/- to the 2nd and 3rd respondents. The sale was registered vide Document No.13205/2015 in the office of the SRO, Ganapathy, Coimbatore District.

3. When the petitioner asked the 2nd and 3rd respondents to measure the land and lay boundary stones in his land, they never turned up and gave an evasive reply. Therefore, the petitioner himself went to his land on 19.09.2015 to put fencing in his land. To his shock and surprise, one Satish restrained the petitioner to enter his land stating that the land measuring 3.432 sq. ft. belongs to him. Having coming to know that he has been cheated by the 2nd and 3rd respondents, the petitioner requested them to give back the money paid towards the purchase of land, but, they did not keep up their word, thereby cheated the petitioner to the core. Having no other alternative, the petitioner has come up with the present Criminal Original Petition seeking the above relief.

4. Learned Additional Public Prosecutor would submit that the dispute in question is with regard to the ownership of the land and that the 1st respondent cannot go into the matter.

5. In reply, learned counsel for the petitioner would submit that there is a clear element of cheating by the 2nd and 3rd respondents.

6. Considering the submissions made on either side, this Court is of the opinion that it is appropriate to direct the 1st respondent to conduct an enquiry on the petitioner's complaint dated 06.11.2015, if enquiry is not conducted so far, and upon enquiry, if any prima facie case is made out, he is directed to proceed further in accordance with law and pass appropriate orders.

This Criminal Original Petition is disposed of with the above direction.

aeb

s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To :

1. The Commissioner of Police,
Commissioner Office,
Coimbatore City, Coimbatore District.

2. The Public Prosecutor, High Court, Madras.

+ 1 cc to Mr.S.Ramesh, Advocate SR 65878

su(co)
prk8/1

Cr1.O.P.No.29098 of 2015