

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.29104 of 2015

S.Sathyanarayanan

... Petitioner

Vs

1. The Superintendent of Police,
Tiruppur District, Tiruppur.

2. The Inspector of Police,
Palladam Police Station,
Tiruppur District.

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the second respondent to register the F.I.R. based on the petitioner's complaint dated 21.10.2015 in CSR No.552 of 2015 on the file of the 2nd respondent.

For Petitioner : Mr.C.Prabakaran

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

O R D E R

This petition has been filed to direct the second respondent to register the F.I.R. based on the petitioner's complaint dated 21.10.2015 in CSR No.552 of 2015 on the file of the 2nd respondent.

2. The property in Survey No.488/1, 3, 489, 490/1A and 490/1C situated at Perichi Palayam Village, Palladam Taluk, Thirupur District originally belonged to one Dhandapani and his family members, totally measuring to an extent of 7.88 ½ acres. Out of the same, the land measuring an extent of 4.40 acres alone was sold to and in favour of D.Sumathy, wife of Dhandapani under a sale deed dated 19.11.2004 through power agent namely Yesuraja by the said Dhandapani. Pursuant to the sale, Sumathy executed settlement in favour of her husband, Dhandapani. Though the settlement deed stands in favour of Dhandapani, the joint

family properties of Dhandapani was partitioned among the co-shares in an effective manner and the property does not become absolute property either in the name of Sumathi or Dhandapani. Without following all these legal aspects, the said Dhandapani developed the property under the name of Thirumurthi Nagar and managed to get approval from the competent authorities by converting them into housing plots. Out of which, the petitioner purchased a plot to an extent of 2355 sq.ft for valid consideration. Though he paid the entire consideration, the possession was not handed over to the petitioner but based on the sale deed, the revenue records were mutated in favour of the petitioner. Despite repeated demands, the said Sumathi and Dhandapani did not hand over the property to the petitioner. Therefore, the petitioner lodged a complaint with the respondent police on 12.06.2013, but the same was not considered by the respondent. Again, the petitioner lodged a complaint on 21.10.2015 with the 2nd respondent, for which, C.S.R.No.552 of 2015 was assigned. But till date, there is no progress in the said complaint. Hence, the present petition.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

4. Learned Additional Public Prosecutor submitted that the matter is purely civil in nature and the transaction took place in the year 2007.

5. Since C.S.R.No.552 of 2015 was assigned on the complaint given by the petitioner, the 2nd respondent is directed to conduct an enquiry and upon enquiry, if the materials are gathered indicating any cognizable offence, he is directed to proceed further in accordance with law as early as possible. In the course of enquiry, if no prima facie is made out or the matter is civil in nature, he is directed to pass appropriate orders on the complaint made by the petitioner.

6. The criminal original petition is disposed of accordingly.

Sd/-

Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

vsi

To

1. The Superintendent of Police,
Tiruppur District, Tiruppur.

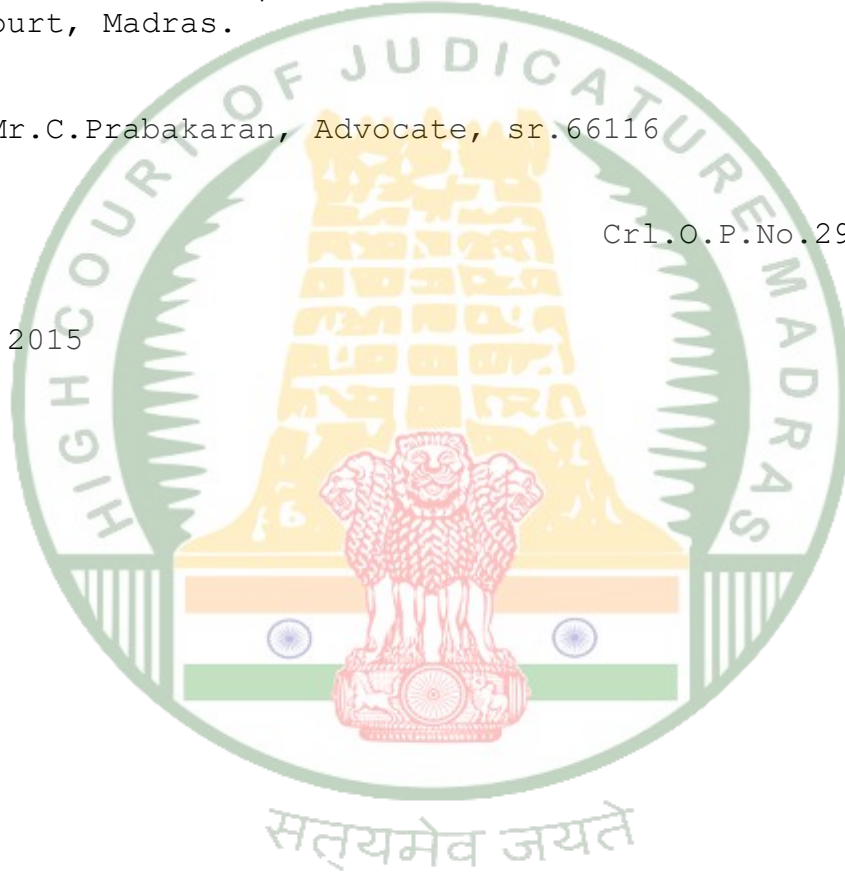
2. The Inspector of Police,
Palladam Police Station,
Tiruppur District.

3. The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.C.Prabakaran, Advocate, sr.66116

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