

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.30144 of 2015

Stephen Albert Dhiwakar

... Petitioner

Vs

1. The Commissioner of Police,
Chennai City,
Vepery, Chennai-7.

2. The Inspector of Police,
K-11, CMBT Police Station,
Koyambedu, Chennai-107.

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondent to register case with regard to petitioner's complaint dated 06.10.2015.

For Petitioner : Mr.Milton Arul Rajendran
For respondents : Mr.C.Emalias, APP

O R D E R

The present criminal original petition has been filed to direct the respondent to register case with regard to the petitioner's complaint dated 06.10.2015.

2. The petitioner and his brother, namely, Vilbrit Baskar Rayan, have got a vacant land to an extent of 504 sq.ft by way of partition. His brother passed away in the year 2009, leaving behind his wife, son and daughter as his legal heirs. On 24.12.2011, a Sale Agreement was entered into between the petitioner and the legal heirs of the petitioner's brother with one Veerapandiyan, for a total sale consideration of Rs.16,00,000/-, in which, a sum of Rs.3,50,000/- has been paid by the said Veerapandiyan. As per the agreement, the remaining amount has to be paid within 6 months from the date of the sale agreement. Without paying the balance sale consideration, the said Veerapandiyan trespassed into the petitioner's land and illegally encroached the land, while the petitioner was not in town. When the petitioner asked the Veerapandiyan to vacate his land, he neither vacated nor paid the entire sale consideration.

Hence, the petitioner has lodged a complaint on 06.10.2015. But, till date, no action has been taken on the said complaint. Hence, the present Criminal Original Petition has been filed.

3. Today, when the matter was taken up for consideration, learned Additional Public Prosecutor submitted that on the complaint dated 05.08.2015 given by the petitioner, an enquiry was conducted and the same was closed as civil in nature. He has also produced the closure report for perusal of this Court.

4. Since the complaint given by the petitioner was enquired and closed, nothing survives in this petition. Therefore, the petition is dismissed and the petitioner is at liberty to work out his remedy in the manner known to law, if he so desires.

mrp

s/d-
Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

To

1. The Commissioner of Police,
Chennai City,
Vepery, Chennai-7.
2. The Inspector of Police,
K-11, CMBT Police Station,
Koyambedu, Chennai-107.
3. The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.J.Milton Arul Rajendran, Advocate SR 69227

rsj(co)
prk11/1

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