

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2015

CORAM

THE HON'BLE MR. JUSTICE R.S.RAMANATHAN

CrI.O.P.No.604 of 2015

V.Meenakshi Sundaram

.. Petitioner

vs.

State Rep by
The Inspector of Police,
V-6, Kolathur Police Station,
Chennai-600 024.

.. Respondent

Criminal Original Petition filed under Section 482 of the Criminal Procedure Code praying for a direction to the respondents to register the petitioner's complaint dated 01.08.2014 and to enquire the matter by the respondent police in accordance with law.

For Petitioner : Mr.M.Madhu Prakash

For Respondent : Mr.M.Maharaja

Additional Public Prosecutor

O R D E R

This petition has been filed under Section 482 CrPC, seeking a direction to the respondent to register the petitioner's complaint dated 01.08.2014 and to enquire the matter by the respondent police in accordance with law.

2. It is submitted by the learned counsel for the petitioner that the petitioner entered into an Agreement of Construction with one Vedhamoorthy, who agreed to build flats in the property belonging to the petitioner and as per the agreement of Joint Development and Construction, the petitioner is entitled to 50% of the constructed area and the remaining 50% shall be taken by the builder and the petitioner need not pay any amount towards cost of construction. He further stated that after the construction of the building, the petitioner was given some portions and according to him, the construction was not in accordance with the plan and there were violations and the said builder cheated the petitioner and he has also not acted to the terms of the agreement. It is also submitted that notice was issued to the builder as per the Agreement of Construction for nominating an Arbitrator, but the builder has sent a reply notice denying the arbitration clause in the supplementary agreement and therefore, this petition is filed.

3. Heard the learned Additional Public Prosecutor.

4. According to me, the allegations made in the complaint reveal transactions of civil in nature and the petitioner has also initiated proceedings under the Arbitration and Conciliation Act and though the builder denied the existence of arbitration clause, that does not preclude the petitioner from proceeding under the Arbitration and Conciliation Act.

5. Hence, this Criminal Original Petition is dismissed, as no criminal offence is made out.

jvm

-s/d-
Assistant Registrar(CS-II)
Dt:12/2/2015

True Copy

Sub-Assistant Registrar

To

1. The Inspector of Police,
V-6, Kolathur Police Station,
Chennai-600 024.
2. The Public Prosecutor,
High Court, Madras.

mp(co)
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