

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

Cr1.OP No.1076 of 2016

K.Ganesan,
S/o.Krishnasamy
1st Cross Street,
Thennampalayam East,
Tirupur - 641 604..

.. Petitioner

Vs

1. The Superintendent of Police,
Tirupur District.
2. The State, Rep. by Inspector of Police,
Palladam Police Station,
Tirupur District.

.. Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., praying to direct the 2nd respondent herein to register the case on the petitioner's complaint dated 06.01.2016 (C.S.R.No.10/206) and to investigate the same and to file final report in accordance with law.

For Petitioner :Mr.A.Thiyagarajan

For Respondents :Mr.C.Emalias

Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the second respondent to register the case based on the petitioner's complaint dated 06.01.2016.

2. The petitioner is the owner of the land to an extent of 10 cents with a house in 680 sq.ft in Survey No.496/B3 in Rayarpalayam, Palladam Taluk, Tirupur District. The said property is worth about Rs.2 crores. The petitioner herein executed a power of attorney dated 10.09.2009 in favour of one A.Kathiravan with regard to the said property and subsequently cancelled the power vide document no.15756/2015, dated 15.12.2015. On 10.09.2009, the said Kathiravan entered into a sale agreement with one P.A.Ganesan for a sale consideration of Rs.5 lakhs and received a sum of Rs.3 lakhs and he has not paid

the said amount to the petitioner. Subsequently, suppressing the said sale agreement, he sold the said property to one Maheshwari for a sale price of Rs.4,90,800/-. Hence, the petitioner lodged a complaint before the second respondent police on 06.01.2016. But, till date, no action has been taken on the said complaint. Hence, the present Criminal Original Petition has been filed.

3. I have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

4. The learned Additional Public Prosecutor submitted that that the allegation made by the petitioner in the complaint appears to be civil in nature, however, on receipt of the complaint of the petitioner, C.S.R.No.10/ 2016 has been assigned and the same is pending for enquiry.

5. In view of the submissions made on either side, this Court directs the second respondent to conduct enquiry on the complaint of the petitioner dated 06.01.2016 in CSR.10/2016 and upon enquiry, if materials are gathered indicating commission of any cognizable offence, he is directed to proceed further in accordance with law, as early as possible. If no prima facie case is made out, the second respondent is directed to pass an appropriate order on the said complaint.

6. This criminal original petition is disposed of accordingly.
mrp

-s/d-
Assistant Registrar (CS-V)

True Copy

Sub-Assistant Registrar

To:

1. The Superintendent of Police,
Tirupur District.
2. The State, Rep. by Inspector of Police,
Palladam Police Station,
Tirupur District.
3. The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.A.Thiyagarajan, Advocate SR 3167

ala(co)
prk3/2

Cr1.OP No.1076 of 2016