

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Crl.O.P.No.1566 of 2016

K.Sathish Narayanan

... Petitioner

Vs

1. State by The Commissioner of Police,
Commissioner Office,
Greater Chennai,
Vepery, Chennai - 600 007.

2. The Inspector of Police,
S-7, Madipakkam Police Station,
Chennai - 600 117.

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. seeking a direction to the respondents to register the complaint dated 05.10.2015 given to the first respondent in C.No.3165/COP/Visitors/2015 by the petitioner and to take action against the person mentioned in the complaint and also to file a final report within a specified time.

For Petitioner : Ms.S.Murugeswari

For Respondents : Mr.C.Emalias
Additional Public Prosecutor

O R D E R

The present criminal original petition has been filed to direct the respondents to register the complaint dated 05.10.2015 given to the first respondent in C.No.3165/COP/Visitors/2015 by the petitioner and to take action against the person mentioned in the complaint and also to file a final report within a specified time.

2. The petitioner herein is working as a Software Engineer in HCL Technologies Ltd., Chennai. One Ramapriya Thirumalvalavan, who is also working in the same company, informed the petitioner that his father namely Thiruvalluvan is doing real estate business and one plot is ready for sale near Cholinganallur, where the petitioner's company is located.

Believing the words of the said Ramapriya Thirumalvalavan, the petitioner agreed to purchase the said land. The said Ramapriya Thirumalvalavan informed the petitioner that his mother is the Power of Attorney for the above said plot and the sale consideration was fixed as Rs.12,00,000/- and he directed the petitioner to pay an advance of Rs.5,80,000/-. The petitioner borrowed a loan from HDFC Bank and paid the advance of Rs.5,80,000/- on 05.03.2014 to the said Thiruvalluvan. When the petitioner approached the said Thiruvalluvan for executing the sale deed, he refused to execute the sale deed. When the petitioner demanded the return of the advance amount from the said Thiruvalluvan, he abused the petitioner in filthy language and threatened him with dire consequences. Hence the petitioner lodged a complaint against the said Ramapriya Thirumalvalavan and his father Thiruvalluvan before the second respondent on 30.1.2015. The second assigned C.S.R.No.65 of 2014 on the said complaint and during enquiry, the above said Thiruvalluvan undertook to return the advance amount within six months. Even after the lapse of six months, as the said Thiruvalluvan has not returned the advance amount, the petitioner lodged a complaint before the first respondent on 5.10.2015. But, till date no action has been taken on the said complaint. Hence, the petitioner has come forward with the present criminal original petition.

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

4. The learned Additional Public Prosecutor submitted that as no complaint of the petitioner is pending before the second respondent, if the petitioner gives a fresh complaint, necessary action will be taken.

5. In view of the submissions made on either side, this court directs the petitioner to give a fresh complaint to the second respondent within a period of one week from the date of receipt of a copy of this order. On receipt of the same, the second respondent is directed to conduct enquiry and upon enquiry, if materials are gathered indicating commission of any cognizable offence, he is directed to proceed further in accordance with law.

6. This criminal original petition is disposed of accordingly.

s/d-

Assistant Registrar(CS-II)

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Sub-Assistant Registrar

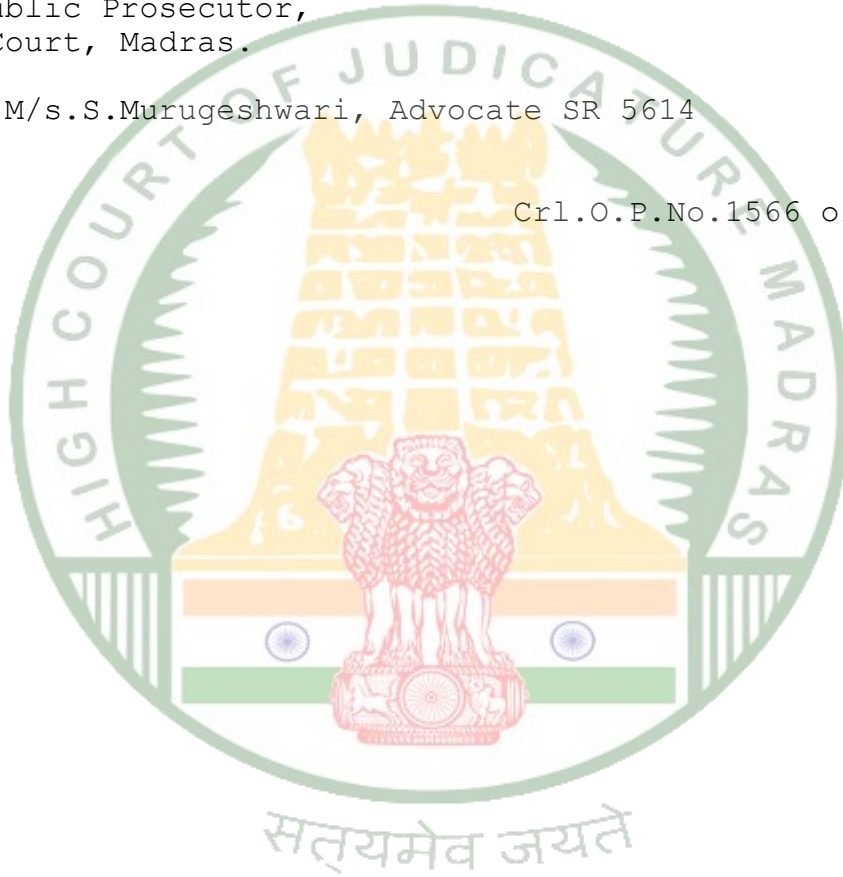
To

1. The Commissioner of Police,
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Vepery, Chennai - 600 007.
2. The Inspector of Police,
S-7, Madipakkam Police Station,
Chennai - 600 117.
3. The Public Prosecutor,
High Court, Madras.

+ 1 cc to M/s.S.Murugeshwari, Advocate SR 5614

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