

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

CrI.O.P.No.174 of 2016

Thyagaprakasam

... Petitioner

Vs

The State represented by  
The Inspector of Police,  
S-4 Nandambakkam Police Station,  
Chennai - 89  
Chennai Sub-urban

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. seeking a direction to the respondent in the above complaint dated 08.09.2015 to register a complaint under sections 294(b), 420, and 506 (i) of IPC.

For Petitioner : Mr.R.Balakrishnan

For Respondent : Mr.C.Emalias  
Additional Public Prosecutor

O R D E R

The present criminal original petition has been filed to direct the respondent to register a complaint given by the petitioner dated 08.09.2015 under sections 294(b), 420, and 506(i) of IPC.

2. The petitioner is the Director in the Angel Foundation Private Limited. The petitioner approached one Loganathan, who is Managing Director of Royal Green City Realtors Private Limited for purchase of the land in Survey No.271 at Chinnaamy Nagar, Nelliyanakulam Village, Vandavasi Taluk, Thiruvannamalai District. The said Loganathan received a sum of Rs.6,20,000/- and Rs.3,68,100/-, totally Rs.9,88,100/- from the petitioner through payment voucher through banks and spot cash. Thereafter, when the petitioner approached the said Loganathan to execute the sale deed, he evaded the same. On 08.09.2015, at 4.00 p.m., When the petitioner approached the said Loganathan to execute the sale deed in favour of the petitioner, he abused the petitioner in filthy language and threatened him with dire consequences. Therefore, the petitioner lodged a complaint before the respondent police. Though the complaint has been assigned C.S.R.No.402 of 2015, there is no progress in the investigation of the case. Hence, the petitioner has come forward with the present criminal original petition.

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

4. The learned Additional Public Prosecutor submitted that on perusal of the complaint it appears that the matter is purely of civil nature and for the purpose of giving criminal colour, certain allegations have been incorporated in the complaint and thus he opposed for giving any direction. But the learned counsel for the petitioner denies the same and sought for direction.

5. Irrespective of the submissions made on either side, this court directs the respondent to conduct enquiry on the complaint given by the petitioner on 08.09.2015 in C.S.R.No.402 of 2015 and upon enquiry, if materials are gathered indicating commission of any cognizable offence, he is directed to proceed further in accordance with law. If no prima facie case is made out, the respondent is directed to pass an appropriate order on the complaint given by the petitioner.

6. This criminal original petition is disposed of accordingly.

vrc

Sd/-  
Assistant Registrar (IV)

/True Copy/

Sub-Assistant Registrar

To

1. The Inspector of Police,  
S-4, Nandambakkam Police Station,  
Chennai - 600 89  
Chennai Sub-urban

2. The Public Prosecutor,  
High Court, Madras.

+1 C.C. To MR.R.Balakrishnan, Advocate in SR.NO.1146

Cr1.O.P.No.174 of 2016

RSY(CO)  
sd : 22/01/2016