

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.29631 of 2015

Janakiraman

... Petitioner

Vs

1. The Superintendent of Police,
Cuddalore District,
Cuddalore.

2. The Station House Officer,
Veppur Police Station,
Cuddalore District.

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. seeking a direction to the second respondent to register the FIR based on the petitioner's complaint dated 18.07.2015 and 04.08.2015.

For Petitioner : Mr.K.Sasindran

For Respondents : Mr.C.Emalias

Additional Public Prosecutor

O R D E R

The present criminal original petition has been filed seeking direction to the 2nd respondent to register FIR based on the petitioner's complaints dated 18.07.2015.

2. The case of the petitioner is that the petitioner is doing real estate business in Puducherry, Villupuram and Cuddalore Districts. During the course of the business, the land brokers, namely, Periyasamy and Neelakandan informed that the lands situated at Pa.Kothanoor Village Cuddalore District are available for sale. Further, they have informed the petitioner that Survey Nos.142/14A, 142/16A, 142/17, 142/14B, 142/16B and 142/17 of the said village measuring to an extent of 1 acre 24 cents belongs to one Kaliyathan and Rajendran. Based on the said information, the petitioner has entered into a sale agreement with the above said persons. The petitioner has also paid a sum of Rs.8,00,000/- as an advance. The total sale consideration was fixed as Rs.25,42,000/-. Thereafter, the

petitioner developed the said property and made plots incurring about Rs.3,00,000/-. When the petitioner requested the said persons to hand over the original documents pertaining to the above lands, they informed that they will get the forged documents from the registration office, if the petitioner pays the balance amount to them. Moreover, when the petitioner requested the accused persons to return the advance, they refused to pay the same and also threatened the petitioner with dire consequences. Immediately, the petitioner herein lodged a complaint before the respondent police. But till date, no action was taken by the second respondent. Hence the petitioner has come forward with the present petition.

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

4. When the matter was taken up for consideration, the learned Additional Public Prosecutor submitted that the complaint given by the petitioner would show that the matter is civil in nature and only in order to give a criminal colour, the petitioner has introduced certain allegations in the complaint purposely and thus, he opposed for giving direction. The learned counsel for the petitioner denies the same and sought for direction.

5. In view of the submissions made on either side, this court directs the second respondent to conduct enquiry on the complaint given by the petitioner dated 18.07.2015 and during the course of enquiry, if the second respondent comes to the conclusion that the matter is purely civil in nature, he 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

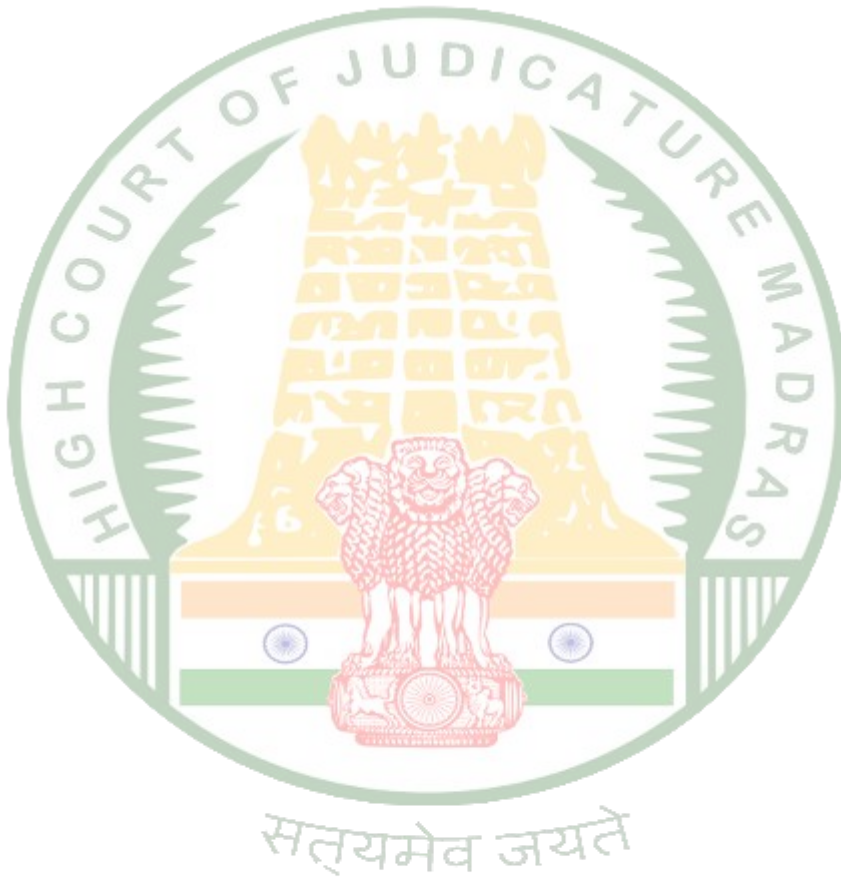
1. The Superintendent of Police,
Cuddalore District,
Cuddalore.
2. The Station House Officer,
Veppur Police Station,
Cuddalore District.

3. The Public Prosecutor,
High Court, Madras.

+ 1 cc to M/s.K.Sasindran, Advocate SR 465

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