

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.29673 of 2015

D.Subramanian

... Petitioner

Vs

1. The Superintendent of Police,
Thiruvannamalai District,
Thiruvannamalai.
 2. The Deputy Superintendent of Police,
Vandavasi Circule,
Vandavasi,
Thiruvannamalai.
 3. The Inspector of Police,
Ponnur Police Station,
Thellar, Vandavasi Taluk,
Thiruvannamalai District.
 4. The Deputy Superintendent of Police,
Land Grabbing Cell,
O/o. The Superintendent of Police,
Thiruvannamalai District,
Thiruvannamalai.
- ... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. seeking a direction to the respondents police to register a FIR based on the petitioner's complaint dated 29.07.2014.

For Petitioner : Mr. A.R.Suresh

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 police to register the FIR based on the petitioner's complaint dated 29.07.2014.

2. In the affidavit, it has been stated that on 04.08.2008, the petitioner had entered into an agreement of sale with one Perumal in respect of the property to an extent of 7.00 acres and 50 cents, which is situated in Jambapattu village and the sale consideration was fixed at Rs.4200/- per cent. Totally, the petitioner has paid a sum of Rs.18,00,000/- to the said Perumal and he gave the copy of the original document of the said land. Thereafter, the petitioner neither handed over the possession of property nor repaid the said amount. Hence, the petitioner lodged a complaint with the third respondent on 29.07.2014. But, till date no action was 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 respondent.

4. When the matter was taken up for consideration, the learned Additional Public Prosecutor submitted that the matter is purely civil in nature. Only in order to give a criminal colour, the allegation of threat was purposely introduced by the petitioner and thus, he opposed for giving direction. The learned counsel for the petitioner denies the same.

5. Considering the submissions made on either side, this Court is of the opinion that since there is an allegation of threat in the complaint, this court directs the third respondent police to enquire only with regard to the allegation of threat said to have been made by the counter petitioner 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 the third respondent comes to a 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(CO)

True Copy

Sub-Assistant Registrar

To

1. The Superintendent of Police,
Thiruvannamalai District,
Thiruvannamalai.
2. The Deputy Superintendent of Police,
Vandavasi Circule,
Vandavasi,
Thiruvannamalai.
3. The Inspector of Police,
Ponnur Police Station,
Thellar, Vandavasi Taluk,
Thiruvannamalai District.
4. The Deputy Superintendent of Police,
Land Grabbing Cell,
O/o. The Superintendent of Police,
Thiruvannamalai District,
Thiruvannamalai.
5. The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.A.R.Suresh, Advocate SR 820

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