

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 25.01.2016

CORAM

THE HONOURABLE Mr.JUSTICE R.SUBBIAH

CRL.O.P.No.30548 of 2015

JAGABAR SADIQ

... PETITIONER

Vs

1 STATE REP BY
THE SUB INSPECTOR OF POLICE
TOWN POLICE STATION KARAİKAL

2 THE SUB INSPECTOR OF POLICE
THIRUPATTINAM KARAİKAL

3 THE SUPERINTENDENT OF POLICE
KARAİKAL

... RESPONDENTS

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondents to register FIR on the basis of the petitioner's complaint dated 29.10.2015.

For Petitioner : Mr.S.Sounthar

For Respondents : Mr.V.Balamurugan, APP [Pondy]

O R D E R

This criminal original petition has been filed seeking direction to the respondents to register FIR on the basis of the petitioner's complaint dated 29.10.2015.

2. It is the case of the petitioner that he entered into an agreement of sale for a sale consideration of Rs.30,00,000/- with one Mayilathal and Sellamuthu, which was mediated by Mohammed Nazrudin and Sellathurai @ Abdul Rahim. The said Mayilathal and Sellamuthu with an intention to cheat the petitioner, conspired with their relatives namely Muthulakshmi W/o.Kuppusamy and Sivaselvi W/o.Karuppasamy created bogus sale deed and thereby received unlawful gains. In this regard, the petitioner sent complaints by way of registered post to the respondents 1 and 2 on 02.11.2015. Till date, no action has been taken by the respondent police on the said complaint. Hence, the present criminal original petition has been filed.

3. Learned Additional Public Prosecutor submitted that no complaint is pending with the respondent. He further submitted that on going through the averments in the petition itself would reveal that the matter is civil in nature.

4. Learned counsel for the petitioner admitted the same that there is allegation of cheating.

5. In view of the above, this Court is constrained to pass the following order :

[i] The petitioner is directed to submit a fresh copy of the complaint to the 2nd respondent police, within a period of one week from the date of receipt of a copy of this order, along with a copy of this order.

[ii] On receipt of the same, the 2nd respondent is directed to conduct enquiry on the said complaint, and upon enquiry, if materials are gathered indicating commission of any cognizable offence, then the respondent is directed to proceed further in accordance with law, as early as possible.

[iii] During the course of enquiry, if the respondent comes to a conclusion that the matter is civil in nature, the respondent may advise the party to approach the civil Court.

The Criminal Original Petition is disposed of accordingly.
gva

s/d-
Assistant Registrar(CS-VI)

True Copy

Sub-Assistant Registrar

To

- 1 THE SUB INSPECTOR OF POLICE
TOWN POLICE STATION KARAIKAL
- 2 THE SUB INSPECTOR OF POLICE
THIRUPATTINAM KARAIKAL
- 3 THE SUPERINTENDENT OF POLICE
KARAIKAL

4 THE PUBLIC PROSECUTOR
HIGH COURT MADRAS

+ 1 cc to Mr.Sounthar Advocate SR 4271

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CRL.OP.No.30548 of 2015



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