

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.30612 of 2015

M.Sivakumar

... Petitioner

Vs

1. The Commissioner of Police,
Greater Coimbatore,
Coimbatore.

2. The Assistant Commissioner of Police,
City Crime Branch,
Coimbatore.

3. The Inspector of Police,
City Crime Branch,
Coimbatore.

... Respondents

Criminal Original Petition filed under Section 482
Cr.P.C. seeking a direction to the respondents to register a
case on the basis of the petitioner's complaint dated 05.11.2015.

For Petitioner : Mr.B.Nambiselvan

For Respondents : Mr.C.Emalias
Additional Public Prosecutor

सत्यमेव जयते
O R D E R

The present criminal original petition has been filed
to direct the respondents to register a case on the basis of the
petitioner's complaint dated 05.11.2015.

2. The petitioner has stated that the accused
Palanivelu along with three others namely Soundarajan, Babu @
Duraishamy and Raviraj approached the petitioner stating that the
land in Survey No.304 situated at Race Course Road, Coimbatore
belong to the said Palanivelu and the said property is ready
for sale. Believing the words of the said accused persons, the

petitioner asked for the original documents. But the accused persons told the petitioner that the documents were in a different place and the same will be handed over at the time of registration. Therefore, the petitioner accepted for the purchase of the said property. On 22.09.2014, Agreement of Sale was entered into between the parties, in which Babu @ Duraisamy signed as a witness fixing the total sale consideration of Rs.40 Crores in which an advance amount of Rs.50 lakhs was paid in the following manner :

On 22.09.2014 a sum of Rs.16 lakhs was paid through HDFC Bank RTGS

A sum of Rs.34 lakhs was paid on 22.09.2014 in cash and six months time was fixed for execution of the Sale Deed. Thereafter, the petitioner approached the said Palanivel on several occasions to measure the land and to execute the Sale Deed in his favour. But the accused persons evaded the same in one way or the other. In the meanwhile, the petitioner came to know that the accused persons created forged documents and handed over the same to the petitioner and that there is no such property standing the name of the said persons. Immediately, the petitioner lodged a complaint before the first respondent on 05.11.2015. But no action was taken by the respondents on the said complaint till date. 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 respondent.

4. The learned Additional Public Prosecutor submitted that as no complaint is pending with the respondents, if a direction is given to the petitioner to give 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 along with documentary evidence to the third respondent within a period of one week from the date of receipt of a copy of this order and on receipt of the same, the third 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 and if no prima facie case has been made out, the third respondent is directed to pass an appropriate order on the complaint of the petitioner.

6. This criminal original petition is disposed of accordingly.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

vrc

To

1. The Commissioner of Police,
Greater Coimbatore,
Coimbatore.
 2. The Assistant Commissioner of Police,
City Crime Branch,
Coimbatore.
 3. The Inspector of Police,
City Crime Branch,
Coimbatore.
 4. The Public Prosecutor,
High Court, Madras.
- +1 cc to M/s.B.Nambiselvan, Advocate, sr.45

Cr1.O.P.No.30612 of 2015

sk co
kra 20.01.2016

सत्यमेव जयते

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