

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Crl.O.P.No.1805 of 2016

R.Ganeshwaran

... Petitioner

Vs

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

2.The Inspector of Police,
District Crime Branch,
Namakkal,
Namakkal District..

... Respondents

Criminal Original Petition filed under Section 482
Cr.P.C. seeking a direction to the 2nd respondent to
register the FIR on the basis of the petitioner's complaint
dated 02.01.2015 and enquire the same.

For Petitioner : Mr.R.S.Mangalakumar

For Respondents : Mr.C.Emalias,
Additional Public Prosecutor

O R D E R

The present criminal original petition has been filed
seeking a direction to the 2nd respondent to register the
FIR on the basis of the petitioner's complaint dated
02.01.2015 and enquire the same.

2. In the petition, it has been stated that one
Mr.R.Perumalsamy was having land situated at Kumareshwaram
Street, Thiruchencode Town, Namakkal District in Survey
Nos.34 and 35 measuring to an extent of 34110 sq. feet.
The petitioner's son G.Arunkumar entered into a sale
agreement with the said R.Perumalsamy on 20.02.2010 for a
sum of Rs.20 lakhs and the petitioner's son has also paid a
sum of Rs.15 lakhs. In the mean while, the said
R.Perumalsamy approached one Pon.Kasikannan for the purpose
of registering the sale deed in favour of the petitioner's

son and the said R.Perumalsamy also given power of attorney to V.Rajagopal. After getting the power of attorney, the said Kasikannan and Rajagopal has not registered the sale deed in favour of the petitioner's son, but they sold out the property to one V.G.Shanmugam on 19.11.2010. After knowing the fraudulent sale deed, the petitioner's son filed a suit before the District Munsif Court, Thiruchengodu, seeking the relief of declaration that the sale deed dated 19.11.2010 in Doucment No.10710 of 2010 is null and void. During the pendency of the suit, a compromise was arrived at between them. Based on the compromise, the petitioner's son withdrew the suit. Thereafter, the petitioner's son approached the proposed accused and asked for return the advance amount. At this juncture, they threatened the petitioner's son and attacked him along with rowdy elements. Hence, the petitioner's son committed suicide on 17.06.2014. Hence, the petitioner has given a complaint on 02.01.2015. But, till date no action was taken. Hence, the petitioner has come forward with the present criminal original petition.

3. The learned counsel appearing for the petitioner submitted that due to the threat made by the counter petitioner, the petitioner's son committed suicide. Hence, he sought for a direction to register a case on the basis of the petitioner's complaint dated 02.01.2015.

4. The learned Additional Public Prosecutor submitted that the complaint was sent only by post and if the petitioner gives a fresh complaint, necessary action will be taken.

5. Considering the submissions made on either side, this Court directs the the petitioner to give a fresh complaint along with the copy of this order before the 2nd respondent police within a period of one week from the date of receipt of a copy of this order, and on receipt of the same, the 2nd respondent is directed to conduct enquiry with regard to the threat and the aspect of the suicide committed by the petitioner's son and upon enquiry, if materials are gathered indicating commission of any cognizable offence, the 2nd respondent is directed to proceed further in accordance with law, as early as possible. If no prima facie case is made out for registering the case, the 2nd respondent is directed to pass an appropriate order on the complaint of the petitioner.

6. This criminal original petition is disposed of accordingly.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

vsm

To

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

2.The Inspector of Police,
District Crime Branch,
Namakkal,
Namakkal District.

3.The Public Prosecutor,
High Court, Madras.

1 cc to Mr.R.S. Mangalakumar, Advocate, Sr. 5521

CrI.O.P.No.1805 of 2016

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