

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.231 of 2016

Sathishkumar ... Petitioner/Defacto Complainant

Vs

1. The State rep. by is
The Superintendent of Police,
Kancheepuram District,
Kancheepuram.
2. The Inspector of Police,
Otteri (Vandalore) Police Station,
Kancheepuram District. Respondents/Complainants

Criminal Original Petition filed under Section 482 Cr.P.C. seeking a direction to the second respondent to register an the FIR upon the complaint lodged by the petitioner dated 24.06.2015 and to investigate the same and to file a final report within a stipulated time fixed by this Court.

For Petitioner : Mr.D.Magesh

For Respondents : Mr.C.Emalias
Additional Public Prosecutor

O R D E R

The present criminal original petition has been filed to direct the second respondent to register the FIR upon the complaint lodged by the petitioner dated 24.06.2015 and to investigate the same and file a final report within the stipulated time to be fixed by this Court.

2. The petitioner on 07.07.2014, approached a land owner, one Balan, S/o.Murugesan to run a hotel in his land situated at S.No.2038, M.G.R. Street, Mannivakkam, Chennai - 48, to an extent of 675 sq.ft. The landlord accepted the offer of the petitioner and they entered into an unregistered rental agreement. As per the agreement, the petitioner started to run the hotel business. One Srinivasan, S/o.Thiruvengadam, who is

the uncle of the petitioner, helped him to start his business. Every year, the petitioner and the landlord entered into an unregistered rental agreement. They entered into a rental agreement on 01.05.2015, lastly. Since the hotel started to earn profit, the said Srinivasan pressurised the petitioner to hand over the hotel to him stating that he wants to run the hotel business, otherwise, the petitioner has to pay Rs.44 lakhs to him. When the petitioner questioned the illegal act, the said Srinivasan threatened the petitioner that he will murder him. Further on 23.06.2015, the said Srinivasan along with some rowdy elements trespassed into the hotel and abused the petitioner in filthy language and threatened him with dire consequences. Hence the petitioner lodged a complaint with the second respondent. But, till date, no action has been taken on the said complaint. 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 respondents.

4. The learned Additional Public Prosecutor submitted that both the petitioner and the counter petitioner are claiming right over the hotel and the matter is purely civil in nature and thus opposed for granting any direction. The learned counsel for the petitioner denied the same and submitted that the said counter petitioner is threatening the petitioner and thus sought for direction of this Court.

5. Irrespective of the submissions made on either side, this court directs the second respondent to conduct enquiry on the complaint of the petitioner dated 24.06.2015 with regard to the allegation of threat and upon enquiry, if materials are gathered indicating commission of any cognizable offence, he is directed to proceed further in accordance with law. If no prima facie case is made out for registering the case, the second 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(CS III)

//True Copy//

Sub Assistant Registrar

vrc

To

The Superintendent of Police,
Kancheepuram District,
Kancheepuram.

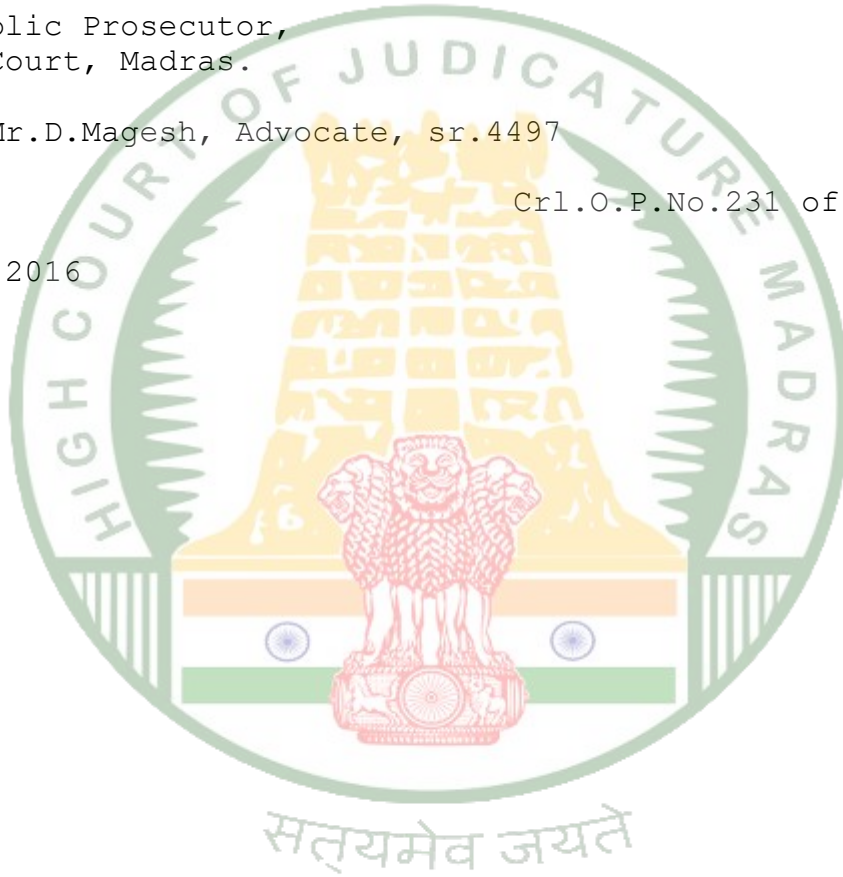
2. The Inspector of Police,
Otteri (Vandalore) Police Station,
Kancheepuram District.

3. The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.D.Magesh, Advocate, sr.4497

Crl.O.P.No.231 of 2016

msm co
kra 04.02.2016



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