

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Cr1.O.P.No.2352 of 2016

Manoharan .. Petitioner
Vs.

1.The Superintendent of Police
Vellore District.

2.Inspector of Police
Sipcot, Vellore District.
(Application No.57/SPG/SB/2015) ... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the second respondent to register the FIR on the complaint given by the petitioner dated 30.11.2015 to the first respondent which is now pending on the file of the second respondent within the time as fixed by this Court.

For Petitioner :Mr.K.Nirmal Kumar

For Respondent :Mr.C.Emalias
Addl. Public Prosecutor

O R D E R

The petitioner has come forward with this petition seeking for a direction to the second respondent to register a case on the complaint given by the petitioner dated 30.11.2015 to the first respondent which is now pending on the file of the second respondent.

2.The learned counsel for the petitioner submitted that the petitioner has lodged a complaint before the first respondent on 30.11.2015, which is now pending on the file of the second respondent. But the second respondent has not shown any interest to enquire the matter and register the case. Hence, the petitioner has come forward with this petition for the above stated relief.

3.At this juncture, the learned Additional Public Prosecutor, on instructions, would submit that the matter is purely civil in nature. Hence, he prayed for dismissal of this petition.

4.Considering the submissions made on both sides and perusing the typed set of papers, it reveals that on the basis of the sale agreement, suit has been filed and decree has also been obtained. It is the case of the petitioner that the sale agreement is a forged one. But the same has to be decided by the Court of law. However, once C.No. has been assigned to the petitioner's complaint, the second respondent is directed to enquire the matter and follow the dictum laid down in Lalitha Kumari vs. Govt. of U.P & others [2013 (4) Crimes 243 (SC) and register a case, if any cognizable offence is made out.

5. The Criminal Original Petition is disposed of with the above direction.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

kj

To

1.The Superintendent of Police
Vellore District.

2.Inspector of Police
Sipcot, Vellore District.

3.The Public Prosecutor
High Court, Chennai.

+ 1cc to Mr.K. Nirmal Kumar, Advocate SR.86992

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KJI (CO)
EU 11.02.16

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