

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Crl.O.P.No.4569 of 2016

K.Gopalakrishnan

.. Petitioner

Vs.

1.The District Superintendent of Police,
Office of the Superintendent of Police,
Coimbatore.

2.The Station House Officer,
District Crime Branch,
Coimbatore.

.. Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the second respondent to register a case on the basis of the petitioner's complaint dated 11.01.2016 and conduct the enquiry in accordance with law.

For Petitioner :Mr.B.R.Shankaralingam

For Respondents :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 pertaining to the petitioner's complaint dated 11.01.2016.

2.The learned counsel for the petitioner submitted that the petitioner is the owner of the properties situated at Keeranathan Village, Coimbatore District, to an extent of 2.32 ½ acres and since some persons had claimed title over the said properties, he filed the suit in O.S.No.352 of 2014 and for the same, he had engaged the counter petitioner Mr.Arun Prakash to appear in the suit proceedings. The said Advocate grabbed a sum of Rs.65 lakhs from the petitioner for conducting the suit which includes Rs.12 lakhs towards filing 12 caveat petitions before different Courts and he also kept the original documents under his custody. In spite of the same, he had not discharged his duty in prosecuting the suit and also forced the petitioner to execute the sale deed in favour of his friend one Senthil Kumar by extracting a sum of Rs.12 lakhs towards the expenses incurred

in executing the sale deed and demanding further amount of Rs.5 lakhs towards professional fees. He further submitted that the petitioner had given a complaint against the said counsel before the Bar Council of Tamil Nadu and also, to the first respondent on 11.01.2016, who in turn, forwarded the same to 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 would submit that the said complaint contains two parts namely, misconduct of the counter petitioner and dispute in respect of money transactions. He would submit that in respect of misconduct, petitioner had given a complaint to the Bar Council of Tamil Nadu and Pondicherry whereas in regard to money transactions, during enquiry, all the original documents given by the petitioner to the counter petitioner were recovered and handed over to the petitioner and the complaint was closed on 23.02.2016 and closure report was also furnished to the petitioner and hence, prayed for dismissal of the petition.

4.Considering the rival submissions made on both sides and a perusal of the typed-set of papers reveals that petitioner has engaged the counter petitioner, an Advocate, who, at the time of filing caveats and suit for specific performance, received amounts to the tune of Rs.65 lakhs but inspite of the same, he has not properly represented the matter. Further, counter petitioner himself forced the petitioner and got the sale deed in favour of his friend Senthil Kumar. At this stage, it is appropriate to consider the arguments advanced by the learned Additional Public Prosecutor that during enquiry, all the documents and power deed given to the counter petitioner were taken back by the petitioner and in regard to execution of sale deed, it has to be prosecuted by way of filing Civil Suit and not in this Criminal proceedings. In such circumstances, I do not find any reason to reopen the closure report of the second respondent. Hence, the Criminal Original Petition is dismissed. However, liberty is granted to the petitioner to approach the appropriate forum to work out his remedy in the manner known to law.

Sd/-
Assistant Registrar(CS III)

//True Copy//

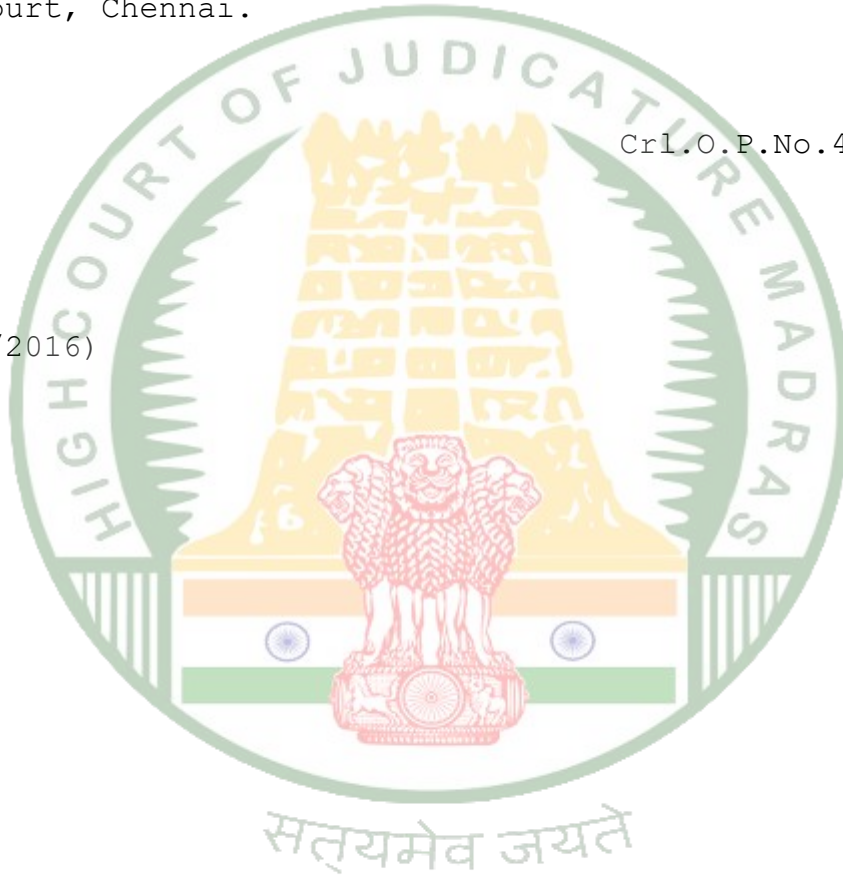
Sub Assistant Registrar

To

- 1.The District Superintendent of Police,
Office of the Superintendent of Police,
Coimbatore.
- 2.The Station House Officer,
District Crime Branch,
Coimbatore.
- 3.The Public Prosecutor
High Court, Chennai.

CrI.O.P.No.4569 of 2016

rsi (CO)
srg (23/03/2016)



WEB COPY