

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Crl.O.P.No.5026 of 2016

K.Sreejith

.. Petitioner

Vs.

1.The State rep by

The Deputy Superintendent of Police,
Velakottai Junction Police Station,
Oragadam, Kanchipuram District.

2.The Inspector of Police,
Oragadam Police Station,
Kanchipuram District.

.. Respondents

Prayer:

Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the respondent to register the complaint dated 29.12.2015 and to investigate the same in accordance with law and consequently direct the 1st respondent to monitor the investigation of the same.

For Petitioner :Mr.Kaviyanathan,
for M/s.Nathan and Associates

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 respondent to register a case pertaining to the petitioner's complaint dated 29.12.2015 and to investigate the same in accordance with law and consequently, direct the 1st respondent to monitor the investigation of the same.

2.The learned counsel for the petitioner submitted that the petitioner has entered into a sale agreement with one Nallathambi who is the owner of the property situated in Survey No.254/3B measuring an extent of 68 cents at Karanipattu Village, Sriperumbudur Taluk, Kancheepuram District and the

price was fixed at Rs.50,000/- per cent. Even though the petitioner paid a sum of Rs.16 lakhs as part of the sale consideration, the said Nallathambi did not execute the sale deed in favour of the petitioner and instead, he executed a sale deed in favour of another person. So, the petitioner preferred a complaint by registered post on 29.12.2015. However, the respondent failed to conduct any investigation and register a complaint. Hence, the petitioner has come forward with this petition for the above stated relief.

3. Resisting the same, the learned Additional Public Prosecutor would submit that the petitioner herein viz., Sreejith and one Abraham are partners and on the basis of the complaint preferred by the said Abraham, a case has been registered on 25.12.2015 in Crime No.391/2015 for the offences punishable under Section 294(b), 323 and 506(i) IPC. He would further submit that the respondent/police had not received any such complaint as alleged by the petitioner.

4. Considered the rival submissions made by both sides and perused the typed set of papers.

5. On perusal of the complaint dated 29.12.2015 which is enclosed in the typed set of papers, it is seen that the petitioner ought to have approached the Civil Court and filed a suit for specific performance. However, instead of doing so, the petitioner has come forward with the present petition. Hence, I do not find any reason to allow the petition and the Criminal Original Petition stands dismissed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1.The Deputy Superintendent of Police,
Velakottai Junction Police Station,
Oragadam, Kanchipuram District.

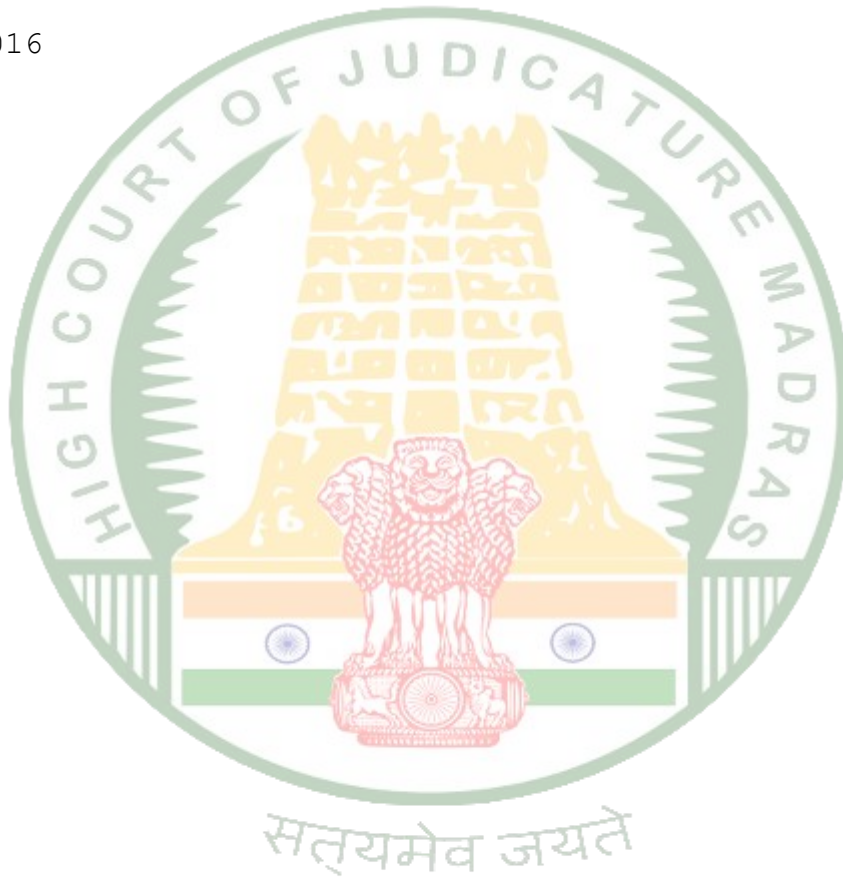
2.The Inspector of Police,
Oragadam Police Station,
Kanchipuram District.

3.The Public Prosecutor
High Court, Chennai.

+1 cc to M/s.Nathan & Associates Advocates
sr.14934/16

Cr1.O.P.No.5026 of 2016

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