

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2016

CORAM:

THE HON'BLE MR.JUSTICE R.SUBBIAH

Crl.O.P.No.89 of 2016

J.Raja

... Petitioner

Vs.

1.The Commissioner of Police,
Egmore - Vepery,
Chennai-8.

2.The State, rep by
The Inspector of Police (Crime),
Maduravoyal Police Station,
Chennai-600 107.

3.S.Asha

... Respondents

Prayer: Petition filed under Section 482 of Cr.P.C., praying to direct the 1st respondent to register the complaint dated 22.12.2015 in C.No.3901/COP/2015 and to investigate the same.

For Petitioner : Mr.Arunkumar

For Respondents : Mr.C.Emalias, APP (For R1 & R2)

ORDER

This Criminal Original Petition has been filed by the petitioner praying to direct the 1st respondent-Police to register the complaint dated 22.12.2015 in C.No.3901/COP/2015 and to investigate the same.

2.In the affidavit filed in support of this petition, it has been averred by the petitioner that the petitioner is the owner of the property measuring 2360 sq.ft situated in Survey No.261 & 263, in Plot No.7, Om Sakthi Nagar, Vanagaram and he purchased the said property vide Sale Deed dated 26.04.2010, registered as Doc.No.2882 of 2010 on the file of the Office of the Sub-Registrar, Saidapet. On 24.11.2014, the petitioner sold the said property to the 3rd respondent by Sale Deed registered as Doc.No.9907 of 2011. In the said sale transaction, a sum of Rs.26 lakhs was withheld by the 3rd respondent on the pretext that the petitioner should get patta for the said property and the possession of the first floor portion of the said property would be with the petitioner.

Subsequently, the petitioner obtained patta in respect of the said property in the name of the 3rd respondent and he has also handed over the possession of the first floor portion of the property also to the 3rd respondent. But, the 3rd respondent refused to pay the the entire sale consideration, stating that a portion of the said property is a poramboke land, hence, some amount would be deducted for the said poramboke land. Thus, a sum of Rs.8 lakhs is payable by the 3rd respondent to the petitioner towards balance sale consideration. According to the petitioner, when the petitioner asked the 3rd respondent to pay the balance sale consideration, he refused to pay the same and thus, he cheated the petitioner. Hence, the petitioner lodged a complaint with the 1st respondent-Police. Since no action was taken on the petitioner's complaint, he has come forward with the present petition before this Court.

3. When the matter was taken up for consideration, the learned Additional Public Prosecutor submitted that the matter is purely civil in nature and absolutely, no cognizable offence was made out; Hence, after conducting enquiry, the complaint of the petitioner was closed by the Police.

4. Since the complaint of the petitioner was already closed, at this stage, this Court cannot give any direction as sought for by the petitioner in this petition. However, the petitioner is at liberty to work out his further remedy, in the manner known to law.

5. Recording the submissions made by the learned Government Advocate (Crl.Side), this criminal original petition is closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

ssv

To,

1. The Commissioner of Police,
Egmore - Vepery, Chennai-8.
2. The Inspector of Police (Crime),
Maduravoyal Police Station,
Chennai-600 107.
3. The Public Prosecutor, High Court, Madras.
+1cc to M/s. Arunkumar, Advocate, S.R.No.3611

ALA(CO)

EU(24/02/2016)

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