



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 18.03.2016**

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

WEB COPY

Criminal Original Petition (MD) No.3896 of 2016

A.Benzigar Rajan

... Petitioner

vs.

1.The Superintendent of Police,
Kanyakumari District,
Nagercoil.

2.The Inspector of Police,
District Crime Branch,
Nagercoil.

... Respondents

PRAYER: This petition is filed under Section 482 Cr.P.C to direct the respondents to register First Information Report on the complaint of the petitioner, dated 16.05.2015.

For Petitioner : Mr.C.T.Perumal

For Respondents : Mr.K.V.Rajarajan, G.A.(Crl.Side)

O R D E R

On a reading of the complaint, dated 16.05.2015, it is seen that the petitioner had taken on lease the property from opposite party, on 17.08.2012 for a sum of Rs.3,00,000/-. While so, it is alleged by the petitioner, that the property has been mortgaged to the IDBI Bank earlier by the opposite party.

2. Admittedly, the petitioner was only a lease holder for the said property and therefore, it cannot be stated that the opposite party had committed any offence by mortgaging the property much earlier to the lease that had given to the petitioner. In such circumstances, dispute is essentially being civil in nature. This Court is not inclined to give direction to the respondent police to register a case. Accordingly, this petition is closed with liberty to the petitioner to work out his remedy in the manner known to law.

Sd/

Assistant Registrar

/True Copy/



To

1.The Superintendent of Police,
Kanyakumari District,
Nagercoil.

2.The Inspector of Police,
District Crime Branch,
Nagercoil.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+One CC to M/s.C.J.Perumal, Advocate in Sr.No.15652

CN/AN-MP/1.04.2016/2P-5C

Cr1.O.P(MD) .No.3896 of 2016