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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.06.2016

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THE HON'BLE DR.JUSTICE S.VIMALA

Crl.O.P.(MD) No.7439 of 2016

M.Muthukumar

... Petitioner

-vs-

1. The Commissioner of Police,
Madurai City, Madurai.

2. The Inspector of Police,
Avaniyapuram Police Station,
Madurai District.

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., praying to direct the 1st respondent to instruct the 2nd respondent to register a case based on the complaint given by the petitioner on 10.01.2016 and investigate the same and file a final report within the period specified by this Honble Court.

For Petitioner : Mr.S.Rajaprabhu

For Respondents : Mr.A.P.Balasubramani
Govt. Advocate (Crl.Side)

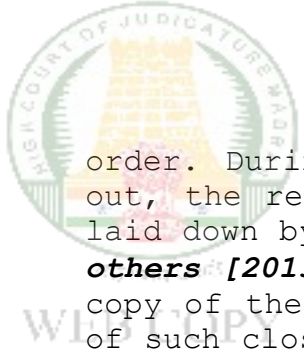
O R D E R

This petition has been filed to direct the 1st respondent to instruct the 2nd respondent to register a case based on the complaint given by the petitioner on 10.01.2016 and investigate the same and file a final report.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side), who would submit that on the basis of the complaint given by the petitioner, petition enquiry is pending.

3. The sum and substance of the complaint is that the petitioner has proposed to purchase a house situated at Plot No.451, owned by one Muniasamy and his wife Muthulakshmi, for sale consideration of Rs.13,00,000/- and has also given a token advance of Rs.2,00,000/- to them; that the balance sale consideration was agreed to be paid within 40 days. Thereafter, the petitioner urged the proposed accused persons to receive the balance amount and execute a sale deed. The proposed accused persons neither executed a sale deed nor returned the advance amount, instead they threatened the petitioner with dire consequences, which forced the petitioner to lodge a complaint with the respondent police. Since no action was taken on his complaint, the petitioner is before this Court seeking the above relief.

4. In view of the submission made by the learned Government Advocate (Crl.Side) that petition enquiry is pending in this case, the 2nd respondent is directed to expedite the enquiry and complete the same within a period of one month from the date of receipt of a copy of this



order. During the course of enquiry, if any cognizable offence is made out, the respondent police shall take action in accordance with the law laid down by the Hon'ble Apex Court in **Lalitha Kumari vs. Govt. of U.P & others [2013 (4) Crimes 243 (SC)]**. In case of closure of the complaint, a copy of the closure report be furnished to the petitioner within a week of such closure. On receipt of the same, it is open to the petitioner to work out his remedy in the manner known to law.

With the above direction, this Criminal Original Petition is disposed of.

Sd/
Assistant Registrar(Crl.Side)

/TRUE COPY/

Sub Assistant Registrar

To:

1. The Commissioner of Police,
Madurai City, Madurai.
2. The Inspector of Police,
Avaniyapuram Police Station,
Madurai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. (MD) No.7439 of 2016
10.06.2016

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