

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.34285 of 2016

ORDER:

1. This writ petition is filed seeking to issue a Writ of Mandamus declaring the action of respondents 2 to 4 in not registering the FIR and in not arresting respondents Nos.5 and 6 and their men and in not filing final report on the complaint lodged by the petitioner dated 19.7.2016, as illegal and arbitrary, and consequently, to direct respondents Nos. 2 to 4 to register the FIR and take action against respondents Nos.5 and 6 and their men.

2. Heard and perused the material available on record.

3. It is stated in the affidavit that the petitioner and his brothers agreed to sell their agricultural lands to respondents No.5 and 6 and entered into an agreement for consideration of Rs.85 lakhs per acre. At the time of agreement, respondents No.5 and 6 paid Rs.15 lakhs to each person i.e., Rs.45 lakhs and they promised to pay the balance amount in one and half year. The petitioner and others registered the land in the name of the above respondents. Respondents No.5 and 6 executed a memorandum of understanding and they will hand over 18 post dates cheques, which belong to Mahesh Bank, in favour of the petitioner and his brothers. When the petitioner and his brothers went to collect the said cheques, the bank authorities expressed their inability to pass the cheques. When they approached respondents No.5 and 6, they used to postpone the payment and subsequently, they abused and threatened them. Hence the petitioner lodged a complaint. But the police did not take any action.

4. When a complaint is given to the Police, it is their duty to register the crime, if such complaint discloses any cognizable offence. Considering the facts and circumstances of the case, the Writ Petition is disposed of with the following direction:

“Respondent No.4 is directed to register the FIR, if any complaint is given by the petitioner as stated by him and if such complaint discloses any cognizable offence, and proceed in accordance with law. If the 4th respondent fails to register the FIR, the petitioner is at liberty to invoke the provisions of the Code of Criminal Procedure to seek his remedy before the appropriate forum.”

There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.



RAJA ELANGO, J

Date: 17th October, 2016

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