

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.09.2018

CORAM

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

Crl.O.P.No.22163 of 2018

S.Samuel

... Petitioner

Vs.

State Rep. by
Sub-Inspector of Police,
N 1, Royapuram Police Station,
Royapuram, Chennai - 600 013.
(C.S.R.No.691/2018)

....Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent, Sub-Inspector of Police, N1 Royapuram Police Station, Chennai, to register the case against the accused on his complaint, dated 19.07.2018 and assigned the C.S.R. No.691 of 2018 and investigate the same.

For Petitioner : Mr.K.V.Sridharan

For Respondent : Mr.C.Raghavan
Government Advocate (Crl.Side)

O R D E R

This petition has been filed by the petitioner to direct the respondent/Police to register the case based on the complaint given by the petitioner, dated 19.07.2018.

2. The learned counsel for the petitioner submitted that the petitioner is a practising advocate and he took premises belonging to one Muniappan for lease and at that time the petitioner has paid a sum of Rs.9,50,000/- (Rupees Nine Laksh and Fifty Thousand only) as advance. He further submitted that the Chennai Corporation has issued a Lock, seal and demolition notice vide Letter No.05/03581/2018 to the said Muniappan for the entire building. After receipt of the said notice in the month of January, 2018 the said Muniappan should not have leased out a portion of the building to the petitioner in the month of May, 2018. Hence, the petitioner made a request with the said Muniappan to return the aforesaid amount. He further submitted that the said Muniappan undertook to pay the said amount in three instalments i.e., on 25.07.2018, 01.08.2018 and 08.08.2018, but he did not keep up his promise and hence the petitioner

has lodged a police complaint on 19.07.2018 before the respondent/Police, but so far no action has been taken.

3. The learned Government Advocate (Crl. Side) has submitted that after receipt of the complaint, on 20.08.2018, the petitioner himself has appeared before the respondent/Police and gave a letter stating that a settlement arrived at between them and as per the said settlement, the said Muniappan has to pay the aforesaid amounts in three installements and hence, the aforesaid complaint was closed.

4. Since the complaint dated 19.07.2018 has been closed, this petition has become infructuous. Accordingly, this petition is dismissed as infructuous. It is open to the petitioner to give a fresh complaint to the respondent/Police and if any such complaint is given and the said complaint discloses any cognizable offence, the respondent/Police has to register the case and proceed in accordance with law. In case, the said complaint discloses only a civil dispute, the petitioner has to be directed to approach the Civil Court and get the appropriate relief.

msrm

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

1. The Sub-Inspector of Police,
N1, Royapuram Police Station,
Royapuram, Chennai - 600 013.
2. The Public Prosecutor, High Court of Madras.
Chennai.

+1cc to Mr.K.V.Sridharan, Advocate S.R.No.63918

KR/25/10/18

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