



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.03.2018

CORAM:

**THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM**

CRL.O.P. (MD) No.2429 of 2018

U.Sudherson

... Petitioner

**-Vs-**

The State represented by  
The Inspector of Police,  
Uvari Police Station,  
Tirunelveli District.

... Respondent

**PRAYER:** Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the respondent, to register the case on the basis of the petitioner's complaint dated 30.01.2018 for the offence under Sections 379 of I.P.C.

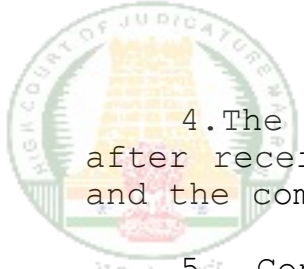
|                |                                                            |
|----------------|------------------------------------------------------------|
| For Petitioner | : Mr.L.Pinaygash                                           |
| For Respondent | : Mr.Prabu Ramachandran,<br>Government Advocate (Crl.Side) |

### **O R D E R**

This Criminal Original Petition has been filed to direct the respondent, to register the case on the basis of the petitioner's complaint dated 30.01.2018

2.Heard Mr.L.Pinaygash, the learned counsel appearing for the petitioner and Mr.Prabu Ramachandran, the learned Government Advocate (Crl.Side) appearing for the respondent.

3.The learned counsel appearing for the petitioner has submitted that the petitioner is having a house in Bharathr Uvari Village. He has sold the said house to the proposed accused, namely, Mrs.Selvam, for a sum of Rs.30 lakhs, but in the sale deed, the said accused has mentioned that the sale consideration is Rs.4,41,100/-. He further submitted that at the time of executing the sale deed, the proposed accused has paid only a sum of Rs.7 lakhs and she has promised to pay the balance amount of Rs.23 lakhs later. But, sofar, the balance amount has not been paid and hence, the petitioner has lodged a complaint before the respondent on 30.01.2018, but sofar, no action has been taken.



4.The learned Government Advocate (Crl.side) has submitted that after receipt of the complaint C.S.R.No. 50 of 2018 has been issued and the complaint is pending for enquiry.

5. Considering the aforesaid submissions, the respondent is directed to expedite the enquiry and if the enquiry reveals any cognizable offence then he has to register a case and proceed further in accordance with law. In case the enquiry reveals that it is a civil dispute, then the respondent has to direct the petitioner to approach the civil court and get appropriate remedy.

6.With the aforesaid observations, this Criminal Original Petition is disposed of.

Sd/-  
Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

**To**

1. The Inspector of Police,  
Uvari Police Station,  
Tirunelveli District.
2. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

+ 1 CC TO Mr.I.PINAYGASH, ADVOCATE IN SR No. 52538

DAS  
TE/KKR/SAR-4 : 19/03/2018 : 2P/4C

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