



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.03.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

CRL.O.P. (MD) No.2803 of 2018

B.Arumugam

... Petitioner

-Vs-

1. The Superintendent of police,
Sivagangai District, Sivagangai.

2. The Inspector of Police,
Manamadurai Town police,
Manamadurai.
Sivagangai District.

3. M.Indira Gandhi

... Respondents

PRAYER: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, praying to direct the second respondent not to harass the petitioner in this civil dispute between the petitioner and the third respondent relating to the sale agreement, sale deed and payment of sale consideration etc., in pursuance of the unregistered sale agreement dated 10.04.2017.

For Petitioner : Mr.P.Senthurpandian
For R1 and R2 : Mr.Prabu Ramachandran
Government Advocate (Crl.Side)

ORDER

This petition has been filed to direct the second respondent to not to harass the petitioner under guise of enquiry based on the complaint given by the third respondent.

2. Heard the learned counsel appearing for the petitioner and the Government Advocate (Crl.Side) appearing on behalf of the respondents.

3. The learned counsel for the petitioner has submitted that on 10.04.2017, the third respondent entered into a sale agreement with the petitioner for purchasing the petitioner's property for Rs.11,00,000/- and paid Rs.1,00,000/- as advance. He further submitted that the third respondent has agreed to pay the balance amount of Rs.10,00,000/- within five months. With regard to that, an unregistered sale agreement also executed. He further submitted that in pursuance of the said sale agreement, the third respondent



has not paid the balance amount and hence the petitioner has not executed the sale deed. That being so, the third respondent gave a false complaint to the second respondent and based on that complaint, the second respondent is compelling the petitioner to repay the advance amount to the third respondent. He further submitted that as per the said agreement if the third respondent failed to perform his part performance within the stipulated time, she is not entitled to get back the said amount. Further the second respondent has no power to pressurize the petitioner to return the advance amount.

4. The learned Government Advocate (Crl.Side) has submitted that after receipt of the said complaint from the third respondent, the second respondent has issued CSR No.115 of 2018 and the enquiry is still pending.

5. Considering the aforesaid submissions, the second respondent is directed to enquire into the matter and if it reveals any cognizable offence, then he has to register a case and proceed in accordance with law. If the enquiry reveals only a civil dispute, then he has to direct the third respondent to approach the civil Court and instead of doing so, he should not harass the petitioner.

6. Recording the aforesaid submissions, this criminal original petition is disposed of.

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of police,
Sivagangai District,
Sivagangai.
2. The Inspector of Police,
Manamadurai Town police,
Manamadurai.
Sivagangai District.
3. The Government Advocate (Crl.Side)
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.P.SENTHUR PANDIAN, ADVOCATE IN SR No. 52637

PNN

TE/CVC/SAR-4 : 16/03/2018 : 2P/5C

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