



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 04.04.2018

CORAM
THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

Crl.O.P. (MD)No.5098 of 2018

Narasiman

...Petitioner

-Vs-

1.The Superintendent of Police,
Tirunelveli District,
Tirunelveli.

2.The Inspector of Police,
District Crime Branch,
Palayankottai,
Tirunelveli District.

3.Shanmugaiyya

... Respondents

Prayer: Criminal Original petition - filed under Section 482 of Code of Criminal Procedure, to pass an order directing the respondents particularly the second respondent to register the case against the third respondent based on the complaint given by the petitioner dated 07.02.2018, within a time as stipulated by this Court.

For Petitioner : Mr.G.Gomathi Sankar
For R-1 & R-2 : Mr.K.K.Ramakrishnan
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to pass an order directing the respondents particularly the second respondent to register a case against the third respondent based on the complaint given by the petitioner dated 07.02.2018.

2. Heard the learned counsel appearing for the petitioner and learned Additional Public Prosecutor appearing for the first and second respondents.

3. According to the petitioner, the petitioner's wife purchased a property from the third respondent on 06.10.2008 for valuable consideration and he was in possession and enjoying the same till 2011. Subsequently, the said property was sold in favour of one Palani on 29.11.2011. At the time of transferring the patta in the name of Palani, she came to know that the aforesaid property stands in the name of other person. Therefore, the petitioner's wife repaid the amount and cancelled the sale deed on 20.09.2012. Then, the



petitioner's wife made a complaint before the Sivanthipatti Police Station and the petitioner has also filed Criminal Original Petition and the same was closed.

4. Further, the third respondent has given an assurance to the petitioner that the sale deed will be cancelled and the sale amount will be handed over to the petitioner. But, he has not come forward to honour the assurance. Therefore, the petitioner made a complaint by RPAD before the second respondent on 07.02.2018. Since there is no action, the petitioner filed this Criminal Original Petition.

5. The learned Additional Public Prosecutor submitted that already a complaint was preferred by the petitioner and Criminal Original Petition was filed before this Court and the same was closed. Now, in the present complaint, the petitioner has not appeared and has not furnished any document before the second respondent. Hence, the complaint has been stopped.

6. In the light of the above, this Court cannot pass any further direction as prayed by the petitioner. Accordingly, this Criminal Original Petition is dismissed. It is open to the petitioner to approach the appropriate competent Coram, which is permissible under law if so advised.

Sd/
Assistant Registrar (AS)

/True copy/

Sub Assistant Registrar

To

- 1.The Superintendent of Police,
Tirunelveli District, Tirunelveli.
- 2.The Inspector of Police,
District Crime Branch,
Palayankottai, Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.G.GOMATHI SANKAR, Advocate, SR.No.59744

Cr1.O.P.(MD) No.5098 of 2018
04.04.2018

SM
KK/JC/18.04.2018/SAR-2/2P-5C