

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:27.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.8209 of 2019

Sri Ramji

... Petitioner

Vs.

1.The Superintendent of Police,
District Police Head Quarters,
Nagapatinam, Nagapatinam District,
Tamilnadu.

2.State rep. by
The Inspector of Police,
Perambur Police Station,
Nagapatinam District.

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the 1st respondent to transfer the investigation in Crime No.35 of 2019 on the file of the 2nd respondent to some other agency to conduct the investigation in the manner to known law and further direct to file the final report.

For Petitioner : Mr.K.Sivakumar

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

सत्यमेव जयते
O R D E R

This Criminal Original Petition has been filed to direct the respondents to transfer the investigation in Cr.No.35 of 2019 on the file of the Inspector of Police to any other competent authority and to file a final report within a stipulated time.

2.The learned counsel for the petitioner submitted that the petitioner and his father are doing real estate business more than a decade. While so one Chinnathambi Pillai had approached the petitioner and his father to sell the 14 acres and 10 cents of land to do the real estate business since the above said Chinnathambi Pillai had no issue. Therefore, the petitioner and

his father agreed to purchase the above said 14 acres and 10 cents of land at Nalladai Village. The petitioner further submitted that after that on 13.04.2015 the petitioner and the Chinnathambi Pillai made an unregistered agreement for the amount of Rs.2,36,88,000/- towards sale amount on condition to complete the transaction within nine months from the date of agreement and agreed to pay the amount of Rs.80,00,000/- towards advance and paid Rs.20,00,000/- towards cash payment out of advance amount. The petitioner further submitted that after made an agreement that the petitioner and his father converted the land into the plots for residential purpose and then the value of land was increased. Subsequently, the rate of the land has been increased the Chinnathambipillai getting jealous with an intention to cheat the petitioner and had collusion with the another person named as Thayalarajan made another agreement without cancelling the first agreement, without knowledge of the petitioner about the same land. Totally, the petitioner paid 60 lakhs advance for the said Chinnathambipillai. The petitioner spend Rs.1,13,00,000/- for the land development. The persons Dayalarajan and Chinnathambipillai came to the land and to vacate the land of the petitioner. The petitioner had convened the panchayat, all accused are refused to execute the sale agreement infavour of the petitioner and repay the amount to the petitioner with new rate of land. On 17.03.2017 Dayalarajan accept Rs.1,02,00,000/- and execute the consideration receipt infavour of the petitioner and remaining amount of Rs.2,27,00,000/- was accepted by the Chinnathambi Pillai repay to the petitioner. The above said amount was not repaid to the petitioner and the sale deed was also not executed. All the accused have cheated and threatened the petitioner. So the petitioner had filed a complaint on 15.01.2019 in Crime No.35 of 2019 for the offences punishable under Sections 420, 120(b), r/w 506(ii) of IPC. If an FIR was registered on 15.01.2019, the 2nd respondent failed to take any action as against the accused persons.

3.The learned Government Advocate (Crl. Side) submitted that investigation is still pending.

4.Considering the facts and circumstances of the case, transfer of investigation cannot be granted. However, the 2nd respondent is directed to complete the investigation and to find out any ingridents for the offence under Sections 420, 120(b), r/w 506(ii) of IPC is made out and to file a final report within a period of three months from the date of receipt of copy of this order. The entire investigation has to be monitored by the Superintendent of Police, District Police Head Quarters, Nagapatinam, Nagapatinam District.

5.With the above observations, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar (AD-IV)

//True copy//

Sub Assistant Registrar

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To

1.The Superintendent of Police,
District Police Head Quarters,
Nagapatinam, Nagapatinam District,
Tamilnadu.

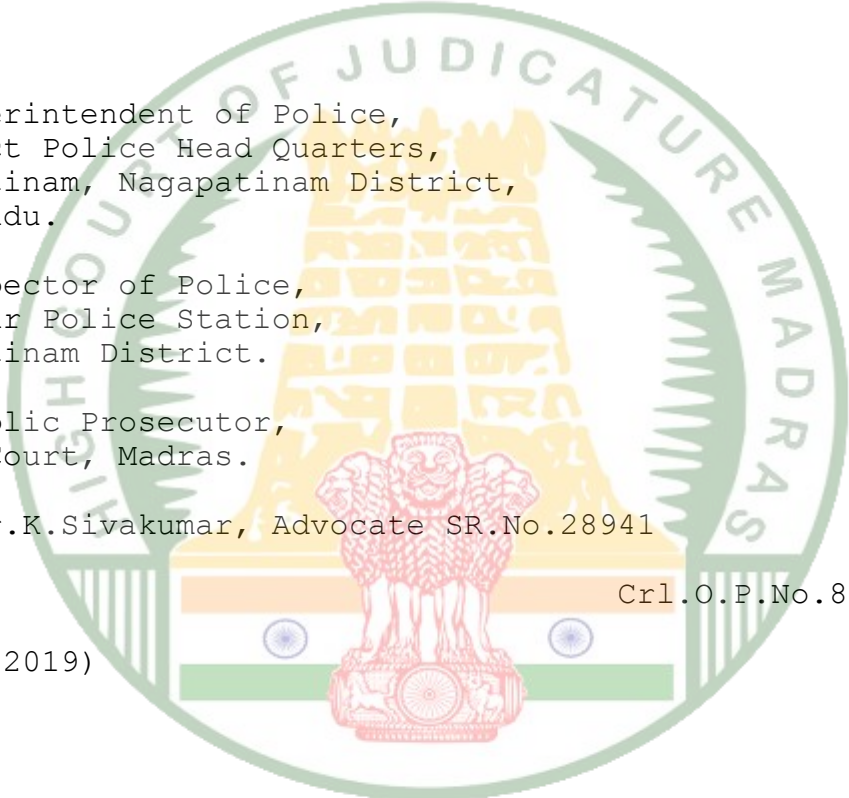
2.The Inspector of Police,
Perambur Police Station,
Nagapatinam District.

3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.K.Sivakumar, Advocate SR.No.28941

Crl.O.P.No.8209 of 2019

KK(CO)
GMY (24/05/2019)

The seal of the High Court of Madras is a circular emblem. It features a central yellow temple gopuram (tower) with a red lion capital on top. The gopuram is flanked by two green trees. The words "HIGH COURT OF JUDICATURE MADRAS" are written in a green circle around the central image. Below the gopuram is a red lion capital on a base. At the bottom of the seal, the Sanskrit motto "सत्यमेव जयते" (Satyameva Jayate) is written in Devanagari script.

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