

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 03.06.2019
CORAM
THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.R.C.No.400 of 2019

G.Barathan .. Petitioner

Vs

1.V.Lenin Jai Ganesh

2.The Inspector of Police,
D-1 Ramanathapuram Police Station,
Coimbatore. ... Respondent

Criminal revision preferred under Section 397 and 401 of Cr.P.C. against the order dated 12.03.2019 made in C.M.P.No.2239 of 2019 and consequently direct the Judicial Magistrate to forward the petitioner's complaint to the Inspector of Police, D-1, Ramanathapuram Police Station, Coimbatore under Section 156(3) Cr.P.C. so as to register an FIR.

For Petitioner : Mr.S.Saravanan
For 2nd Respondent : Mrs.P.Kritika Kamal,
Govt. Advocate (Crl. Side)

O R D E R

The petitioner filed a complaint under Section 156(3) Cr.P.C. before the Judicial Magistrate No.VI, Coimbatore, which has been dismissed by the impugned order dated 12.03.2019, aggrieved by which, the petitioner is before this Court. It is the case of the petitioner that he had entered into a sale agreement dated 10.12.2015 with the respondent, agreeing to sell his property. As per the sale agreement, the consideration was fixed at Rs.80,00,000/- and three months time was given for completing the sale. The respondent paid Rs.24,00,000/- to the petitioner. Thereafter, the respondent also paid certain amounts to the bank, where the property was kept under mortgage. After the mortgage was closed, the respondent received the title deeds. However, the petitioner did not come forward to execute the sale deed and hence, the respondent has filed O.S.No.33 of 2019 before the IV Additional District Court, Coimbatore for specific performance with an alternative relief of return of advance amount paid by him to the petitioner. Under such circumstances, the petitioner has filed the petition under Section 156(3) Cr.P.C. for police investigation, alleging that the respondent had cheated him.

2.Heard the learned counsel for the petitioner and perused the materials placed on record.

3.This Court perused the complaint filed by the petitioner and the impugned order passed by the Magistrate and finds that there is no reason to interfere with the order passed by the Magistrate dismissing the petition filed by the petitioner under Section 156(3) Cr.P.C., inasmuch as the transaction between the petitioner and the respondent is purely civil in nature. Hence, this criminal revision petition is dismissed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

gya

To

1. The Judicial Magistrate No.6, Coimbatore

2.The Inspector of Police,
D-1 Ramanathapuram Police Station,
Coimbatore.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Saravanan , Advocate SR.No. 44563

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A.SK(18/06/2019)

सत्यमेव जयते

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