

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2019

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.15724 of 2019

R.Chandran

...Petitioner/Petitioner

-Vs-

1. Mrs.Nanjamma

2. Anandan

3. Venugopal

4. Anitha

5. Ambesh

6. M.Gurumurthy

7. N.Chennappa

8. The Sub-Registrar,
Sub Registrar's office,
Hosur, Krishnagiri District.

9. The Inspector of Police,
Sipcot Police Station,
Hosur, Krishnagiri District.

सत्यमेव जयते ... Respondents/Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to set aside the impugned order in Crl.MP No.1645 of 2019 dated 20.05.2019 passed by the Judicial Magistrate - II, Hosur.

For Petitioner : Mr.R.Sankarasubbu

For Respondents: Mr.Mohammed Riyaz,
Additional Public Prosecutor R8 & R9

ORDER

This petition has been filed challenging the order passed by the Court below dismissing the petition filed under Section 156(3) of Cr.PC to register an F.I.R based on the complaint given by the petitioner.

2. It is seen from records that the petitioner has entered into an agreement of sale with the counter party and also given the advance amount. The agreement of sale is a registered document. In spite of the agreement of sale entered into with the petitioner, the counter party had proceeded to sell the property to some other person and the advance amount was also not returned back to the petitioner. Therefore, the petitioner filed a petition before the Court below on the ground that he has been cheated.

3. The Court below has dismissed the petition on the ground that the entire dispute is civil in nature and no offence of cheating has been made out.

4. This Court does not find any illegality or infirmity in the order passed by the Court below and there are no grounds to interfere with the same. It is even now open to the petitioner to file a suit for specific performance to enforce the sale agreement by adding the subsequent purchaser also as a party and work out his remedy in accordance with law. In a dispute of this nature, police will have no role to play, since it is purely civil in nature.

5. This Criminal Original petition is disposed of by giving liberty to the petitioner to workout his remedy before the competent civil Court.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Sub-Registrar,
Sub Registrar's office,
Hosur, Krishnagiri District.

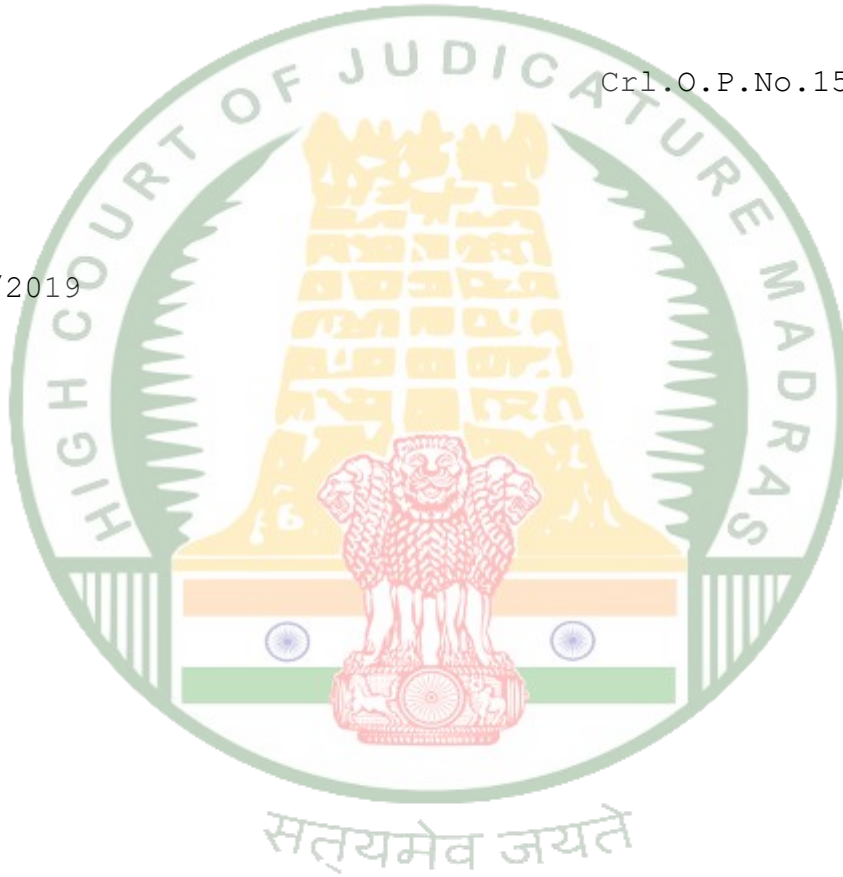
2. The Inspector of Police,
Sipcot Police Station,
Hosur, Krishnagiri District

3. The Public Prosecutor,
High Court, Madras.

+lcc to Mr.R.Sankarasubbu, Advocate Sr.50679

Cr1.O.P.No.15724 of 2019

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