



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.22418 of 2018

S.Rajendran

... Petitioner

Vs.

1. State rep.by
The Commissioner of Police,
Office of Commissionerate,
Salem District.
2. The Inspector of Police,
Central Crime Branch,
Salem.
3. The Inspector of Police,
Land Grabbing Special Cell,
Salem City.

4.Tmt.Shanthi

... Respondents

Prayer:Petition filed under Section 482 of Cr.P.C., to direct the respondents 1 to 3 herein to initiate appropriate legal action against the 4th respondent herein namely Tmt.Shanthi W/o.Balasubramanian (late), Mobile No.8489752762, No.62, Mariamman Koil Street, Ponnamapettai, Salem 636 001 for lodging and repeating the very same false complaint against the petitioner.

For Petitioner : Mr.M.Balasubramanian

For Respondents : Mr.C.E.Pratap, Government Advocate
(Crl.Side)

O R D E R

The petitioner has filed this petition to direct the respondents 1 to 3 herein to initiate appropriate legal action against the 4th respondent herein namely Tmt.Shanthi for lodging very same false complaint against the petitioner.

2. Facts leading to the present round of litigation is that one Shanthi (4th respondent) entered into an Agreement of Sale



with the petitioner herein and agreed to sell her house to the petitioner. Unfortunately the 4th respondent sold the property to one Sankar and Mangaiyarkarasi for a sum of Rs.5,00,000/- and the said persons purchased the property from the 4th respondent on payment of initial amount of Rs.2,00,000/- and undertaken to make payment of the balance amount in three instalment and also executed promissory note to that effect. While being so, the above said Sankar and Mangaiyarkarasi entered into a compromise with the petitioner and executed a registered Sale Deed in favour of petitioner's his wife on 12.06.1997. The 4th respondent complaining that the petitioner has grabbed the property from her and one Ms.Mangaiyarkarasi and that the petitioner has also also denied to make a balance sale consideration, which was in due, lodged complaint against the petitioner.

3. The petitioner averred among other things that there were series of civil litigations between the petitioner and the 4th respondent for the property dispute and it was settled in favour of the petitioner. In spite of that, the 4th respondent has repeatedly made false complaints against the petitioner. Earlier, the petitioner has also filed CrI.O.P.No.12542 of 2018 for not to harass the petitioner based on the repeated false complaints, which was closed for 'no case is pending against the petitioner'. While being so, the 4th respondent again filed a false complaint before the Hon'ble Chief Minister Special Cell at Chennai, who in turn entrusted the matter to the 3rd respondent for appropriate enquiry. Aggrieved over the same, the petitioner has filed this petition.

4. The learned counsel for the petitioner reports no instructions.

5. This Court has perused the materials placed and of the view that considering the facts and circumstances of the case, this Criminal Original Petition is not maintainable, since there was a series of civil dispute between the 4th respondent and the petitioner and further the petitioner without working out an appropriate remedy before the competent forum, straight away approaching this Court, is not maintainable.

6. This Criminal Original Petition is dismissed accordingly.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner of Police,
Office of Commissionerate,
Salem District.
2. The Inspector of Police,
Central Crime Branch,
Salem.
3. The Inspector of Police,
Land Grabbing Special Cell,
Salem City.
4. The Public Prosecutor, (Crl.Side)
High Court of Madras,
Chennai 600 104.

+1cc to Mr.M.Balasubramanian, Advocate, S.R.No.31644

Crl.O.P.No.22418 of 2018

SRA(CO)
CT/05/08/2021