



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.04.2022

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

W.P.No.19578 of 2021

and

W.M.P.Nos. 20865 & 20867 of 2021

Chandra

... Petitioner

Vs.

1. The Commissioner of Police,
Veppery, Chennai.
2. The Inspector of Police,
Central Crime Branch,
Team-XX, Veppery,
Chennai.
3. The Inspector of Police,
Ambathur Police Station,
Chennai.
4. The Sub Registrar,
Sub Registration Office,
Villivakkam, Chennai.
5. K.Brinda Devi
6. D.Karthikeyan
7. L.Mohanraj
8. M.Mubarak
9. L.Manikandan

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India, pleaded to issue a Writ of Certiorarified Mandamus to call for the records 2nd respondent dated 11.05.2021 made in reference 192/DC.CCB-II/GENT/2020 and quash the same consequently direct the 2nd respondent to register the FIR against the respondents 5 to 9 and file the final report with a stipulated time in the above writ petition.



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For Petitioner : Mr.C.Prabakaran
For R1 to R3 : Mr.A.Gokulakrishnan
Additional Public Prosecutor.
For R5 & R6 : Mr.R.Senthilraj

O R D E R

The Writ Petition has been filed to call for the records on the file of the 2nd respondent dated 11.05.2021, made in reference 192/DC.CCB-II/GENT/2020 and quash the same and consequently direct the 2nd respondent to register the FIR against the respondents 5 to 9 and file the final report within a stipulated time.

2. The case of the petitioner is that the property comprised in the Survey No.757/1, T.S.No.68/3, Block No.9, Plot No.6, Gandhi Nagar measuring to an extent of 2754 Sq.Ft. situated at Korattur village, Ambathur Taluk, Thiruvallur District was purchased by the petitioner from one Loganathan under a registered sale deed dated 23.12.1985 vide Document No.3588 of 1985 on the file of the Joint II SRO, North Madras and after purchase, the petitioner was the absolute owner of the property.

3. The further case of the petitioner is that 5th respondent/ K.Brinda Devi, Proprietrix of Venisha Foundation and 6th respondent/Mr.D.Karthikeyan, Manager of the Venisha Foundation had approached the petitioner for construction and development of the property of the petitioner's land. The petitioner and the 6th respondent have entered into a joint venture agreement on 18.01.2016 and as per the agreement, the petitioner has to hand over the vacant land to the said Venisha Foundation and the Venisha Foundation has to construct the apartment with two floors of 6 Flats in ratio of 50:50. As per the terms of the said agreement, the petitioner had given power of attorney in favour of the Venisha Foundation.

4. The further case of the petitioner is that the 5th and 6th respondents, who are the builders, violated the joint venture agreement and thereby, cheated the petitioner. Hence, the petitioner had given a complaint to the respondent police, whereas the respondent police without registering the complaint, had closed the case as civil in nature.

5. Learned counsel for the petitioner would submit that a



case under Section 420 of Cr.P.C was specifically made out as against the respondents 5 and 6, whereas the respondent police without properly conducting enquiry and without registering the case, had closed the case as civil in nature. Thereby, the present petition has been filed to call for the records on the file of the 2nd respondent dated 11.05.2021 made in reference 192/DC.CCB-II/GENT/2020 and quash the same and to direct the respondent police to register the FIR and complete the investigation.

6. Learned Additional Public Prosecutor would submit that due enquiry was conducted based on the complaint given by the petitioner in current paper No. 192/DC.CCB-II/GENT/2020. He would further submit that finding that it was a case of civil in nature, the respondent police have closed the case. He would also submit that if the petitioner is aggrieved by the closure of the complaint, he is entitled to file appropriate protest petition before the concerned Court.

7. Heard the learned counsel and perused the materials available on record.

8. In this case, the petitioner has challenged the closure report in respect of his criminal complaint. When the complaint is closed, the petitioner has the avenue of approaching the Jurisdictional Court by filing a protest petition, challenging the same. Instead of availing the remedy available as per the law, the petitioner has knocked the doors by way of a writ petition. When alternative remedy is available as per law, this writ petition is not maintainable.

9. In view of the above, this writ petition stands dismissed. Consequently, connected miscellaneous petitions are closed. However, liberty is granted to the petitioner to challenge the closure report in the manner known to law before the Appropriate Forum. No costs.

Sd/-

Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

rgi/nr



To

1. The Commissioner of Police,
Veppery, Chennai.
2. The Inspector of Police,
Central Crime Branch,
Team-XX, Veppery,
Chennai.
3. The Inspector of Police,
Ambathur Police Station,
Chennai.
4. The Sub Registrar,
Sub Registration Office,
Villivakkam, Chennai.
5. The Public Prosecutor,
High Court of Madras.

+1cc to M/s.R.Senthil Raj, Advocate, S.R.No.26794

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GP(CO)
SU(11/05/2022)