



CrI.O.P.No.31531 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2023

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.31531 of 2022

K.Suresh Babu

... Petitioner

Vs.

1.The Superintendent of Police,
Kanchipuram District,
Kanchipuram – 631 501.

2.The Inspector of Police,
G2-Uthiramerur Police Station,
Kanchipuram District.

... Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code to direct the second respondent police to register FIR on the basis of the petitioner complaint dated 24.08.2022 pending on the file of the third respondent police.

For Petitioner : Mr.M.Jaikumar

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor



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ORDER

The petitioner filed this petition seeking for a direction to the second respondent police to register FIR on the basis of his complaint dated 24.08.2022 pending on the file of the respondent police.

2.The contention of the petitioner is that one Radhakrishnan sold the petitioner's joint property along with his property, bearing S.No.228/1, situated at No.55, Alapakkam Village, Agaram, Duli Post, Maduranthagam Taluk through a Sale Deed dated 20.10.2004, bearing Document No.8700 to the tune of Rs.40,000/- with a wrongful intention. While so, knowing very well that the above property is a joint property of the petitioner, the above said Perumal purchased the same to make a wrongful gain. Only when the said Perumal took steps to demolish the well for doing construction work, the petitioner came to know that his property was sold to him. When the petitioner refused to demolish the well, it was agreed by the above Perumal that the amount to be repaid to him, so that the demolition can be stopped. Although the petitioner waited for 17 long years for filing of rectification deed, the above Perumal has not come forward to do so as agreed by him.



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In this regard, the petitioner made complaints before both the respondents on 24.08.2022 and 18.10.2022. As there was no action against his complaints, the petitioner filed this petition for the above direction.

3.By producing a Communication dated 01.09.2022, received from the respondent police, learned Additional Public Prosecutor for the respondents submits that on the complaints given by the petitioner, C.S.R. Nos.851 and 418 of 2022 came to be registered and a copy of the same has been forwarded to the Superintendent of Police. Apart from the same, four more complaints on the similar nature have been filed with the Superintendent of Police. Learned Additional Public Prosecutor further submitted that on enquiry, C.S.R. No.965 of 2022 also came to be registered by the respondent police for the similar allegation and the same was closed on 01.09.2022 informing the petitioner to approach the Civil Court since it is a civil dispute.

4.A perusal of the Communication dated 01.09.2022 received from the respondent police would reveal that on the complaints received from the



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petitioner, various C.S.R. Nos.418, 851 and 965 of 2022 came to be registered for the same set of allegations and the respondent police made an enquiry and closed the same intimating the petitioner to approach the Civil Court.

5.Considering the submissions made and on perusal of the materials, this Court is of the view that the dispute is purely civil in nature. Therefore, this Court is not inclined to entertain this petition. Hence, this Criminal Original Petition is dismissed.

6.It is for the petitioner to approach the Civil Court, if he desires to do so.

13.06.2023

Index : Yes/No
Speaking Order/Non-Speaking Order
vga



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To

- 1.The Superintendent of Police,
Kanchipuram District,
Kanchipuram – 631 501.
- 2.The Inspector of Police,
G2-Uthiramerur Police Station,
Kanchipuram District.
- 3.The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

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