

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2015

CORAM :

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

CrI.O.P.No.18578 of 2015

S.A.Khader Mohideen

...Petitioner

Vs.

1. The Commissioner of Police,
Greater Chennai,
Egmore, Chennai.

2. The Inspector of Police,
ALGSC Team XVI
Central Crime Branch,
Chennai.

...Respondents

Prayer:- Petition has been filed under Section 482 of Cr.P.C. to direct the second respondent to register a case on the complaint of the petitioner dated 22.06.2015 acknowledged vide C.No.1138/CCB/Visitors/2015.

For Petitioner : Mr.A.D.Jagadish Chandira

For Respondents : Mr.C.Emalias
Additional Public Prosecutor

O R D E R

This criminal original petition has been filed to direct the second respondent to register a case on the complaint of the petitioner dated 22.06.2015 acknowledged vide C.No.1138/CCB/Visitors/2015.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

3. It is the case of the petitioner that his vendor's vendor had created power of attorney in respect of the property which was sold to the petitioner and dealing with the property. In this

respect, this petitioner had earlier given a complaint dated 14.08.2014 and also filed a Criminal O.P.No.26748 of 2014 for a direction to the police to register a case on the complaint dated 14.08.2014. This court by an order dated 27.10.2014 passed the following order;

" Seeking a direction to the second respondent police to register a case on the basis of the complaint of the petitioner dated 14.08.2014, the petitioner has come up with this petition.

2. The petitioner claims to be the owner of the lands comprised in Survey Nos. 368/7, 368/9, 369/10 and 369/8A in Sembiumanali Village. One Alamelu, Muthulakshmi, Sarojammal, Vasanthi and Saravanan, dispute the title of the petitioner. The petitioner has, therefore, filed a Civil Suit in O.S.No. 173 of 2012 on the file of the learned District Munsif, Ponneri, for appropriate decree; that suit is still pending. While so, the petitioner had made a complaint in the year 2014 alleging that his vendor having sold away the property to him, have subsequently sold the very same property to the defendants in the suit. Since, no case has been registered, the petitioner has come up with the Criminal Original Petition seeking for the appropriate direction.

3. I have heard the learned counsel for the petitioner; learned Additional Public Prosecutor appearing for the respondents; and learned counsel for the Intervener. I have also perused the records carefully.

4. It is brought to my notice that earlier, two Criminal Original Petitions were filed in CrI.O.P.Nos. 24035 of 2013 and 23754 of 2013, for various other reliefs and they were disposed of by this Court. It is only after two years of the filing of the suit, the petitioner has made the complaint.

5. The learned Additional Public Prosecutor submitted that the petition was enquired into and the same was closed, since the matter is under examination by the Civil Court and it does not make out any case warranting registration of the case.

6. I do not find any irregularity in the decision taken by the police in not registering the case. Thus, I do not find any reason to issue a direction to register the case. Therefore, the Criminal Original Petition is dismissed."

4. Thereafter, this petitioner has given a second complaint dated 22.06.2015 for the same set of allegations which was not entertained by the police and it was closed on the ground that several litigations are pending. The title to the property is in question and earlier, this Court has refused to entertain CrI.O.P.No.26748 of 2014. Therefore, this Court cannot review the order dated 27.10.2014 passed by this Court in CrI.O.P.No.26748 of 2014. A copy of the closure report has been furnished to the learned counsel for the petitioner, across the bar.

In the result, this criminal original petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

sms

To

1. The Commissioner of Police,
Greater Chennai,
Egmore, Chennai.

2. The Inspector of Police,
ALGSC Team XVI
Central Crime Branch,
Chennai.

3. The Public Prosecutor,
High Court, Madras.

1 CC to Mr.A.D.Jagadish Chandira, Advocate SR.No. 45215

CrI.O.P.No.18578 of 2015

VGI (CO)
PSI (09.09.2015)