

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.08.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP No.19448 of 2015

Mr.Mohammed Iliyas

.. Petitioner

Vs

1.The Superintendent of Police,
Kancheepuram District.

2.The Inspector of Police,
Thazhambur Police Station,
Kancheepuram District.

... Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to direct the respondents to register the petitioner's complaint dated 21.05.2015.

For Petitioner :Mr.P.Vasanth

For Respondents:Mr.C.Emalias,
Additional Public Prosecutor

ORDER

Seeking a direction to the respondent police to register a case on the basis of the complaint of the petitioner dated 21.05.2015, the petitioner has come up with this petition.

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

3. On a complaint lodged by one Senthamizhselvi, the respondent police registered a case in Crime No.230 of 2015 against one Durai and Vedhagiri and also against this petitioner herein, who has been shown as accused No.3. It is the case of the petitioner that Durai and Vedhagiri had sold Senthmizhselvi's property to this petitioner by impersonation, about which he did not know, but, it came to his knowledge only now. Therefore, the petitioner has given a complaint dated 21.05.2015 against Durai and Vedhagiri that they have cheated them. In respect of a single transaction there cannot be two FIRs.

4. The learned counsel for the petitioner submits that the petitioner has canceled the impugned sale deed, by which he purchased the property after coming to know that Durai and

Vedhagiri had falsely sold the property of Senthmizhselvi to him. Therefore, his contention is that Senthmizselvi will not prosecute the case with the same vigor, because she has got back her property without encumbrance. But, for the cheating of this petitioner by Durai and Vedhagiri, they cannot go unpunished.

5. Under such circumstances, the respondent police is directed to conduct an enquiry in a fair manner on the complaint dated 21.05.2015 lodged by the petitioner herein against Durai and Vedhagiri and if it is found that the petitioner is an innocent purchaser and that he has been cheated by Durai and Vedhagiri, then the respondent police shall delete the name of the petitioner from the array of accused in Crime No.230 of 2015 and the petitioner shall be made as a prosecution witness in the final report.

With the above direction, this Criminal Original Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The Superintendent of Police,
Kancheepuram District.
- 2.The Inspector of Police,
Thazhambur Police Station,
Kancheepuram District.

- 3.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.P. Vasanth, Advocate, S.R.No.39895

KGK(CO)
EU(24/08/2015)

Cr1.OP No.19448 of 2015